

EXHIBIT C

1 (Pages 1 to 4)

**Maxene Weinberg Agency
(800) 640-1949**

<p style="text-align: right;">Page 5</p> <p>1 Experian?</p> <p>2 A. I'm the senior legal and compliance specialist.</p> <p>3 Q. And how long have you held that position?</p> <p>4 A. Since the end of 2006.</p> <p>5 Q. And what are your job -- what would be your job</p> <p>6 description for that position?</p> <p>7 A. Generally, it is handling consumer disputes</p> <p>8 when consumers either hire an attorney or they have</p> <p>9 questions about their report. I also assist internal</p> <p>10 and outside counsel when Experian is named in a consumer</p> <p>11 lawsuit.</p> <p>12 Q. Okay. Would it be fair to say, I guess,</p> <p>13 generally you don't get involved unless a lawsuit's</p> <p>14 filed or a lawyer is involved?</p> <p>15 A. Not all the time.</p> <p>16 Q. Okay. Are there instances where you would get</p> <p>17 involved when a lawyer or a lawsuit has not been filed?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. What would be an example of that?</p> <p>20 A. Part of my background with Experian, I do</p> <p>21 assist on any kind of training or any kind of questions</p> <p>22 that an agent would have.</p> <p>23 Q. Okay. You said training?</p> <p>24 A. Uh-huh. Yes, sir.</p> <p>25 Q. Okay. And questions an agent may have?</p>	<p style="text-align: right;">Page 7</p> <p>1 Q. Prior to 2006, what was your position with</p> <p>2 Experian?</p> <p>3 A. I was an auditor, a quality auditor for</p> <p>4 Experian.</p> <p>5 Q. Okay. And how long were you quality auditor?</p> <p>6 A. I think, for about a year, maybe a little bit</p> <p>7 more. Maybe a year and a half. I'm not quite sure</p> <p>8 exactly the time frame.</p> <p>9 Q. 2004, 2005, something like that?</p> <p>10 A. Roughly.</p> <p>11 Q. Okay. And prior to the auditor position, what</p> <p>12 position did you hold at Experian?</p> <p>13 A. I was a dispute agent.</p> <p>14 Q. And how long were you a dispute agent?</p> <p>15 A. It would be starting in September 2003.</p> <p>16 Q. Is that when you started at Experian?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Prior to Experian, where did you work?</p> <p>19 A. I worked for Verizon Wireless.</p> <p>20 Q. Okay. What did you do with Verizon Wireless?</p> <p>21 A. I was in sales.</p> <p>22 Q. Just retail sales at a retail store?</p> <p>23 A. No. It was more of an inbound call center-type</p> <p>24 thing.</p> <p>25 Q. Taking inbound calls from present Verizon</p>
<p style="text-align: right;">Page 6</p> <p>1 A. Yes, sir.</p> <p>2 Q. Okay. An agent being who?</p> <p>3 A. When I say agents, I mean the people that are</p> <p>4 trained in order to handle mail and telephone calls by</p> <p>5 consumers.</p> <p>6 Q. Okay. And do you hold that position for a</p> <p>7 certain region or are you over that for all of Experian?</p> <p>8 A. That's just part of my job duties.</p> <p>9 Q. Okay.</p> <p>10 A. It's not for a region.</p> <p>11 Q. And as senior legal and compliance specialist,</p> <p>12 who do you report to?</p> <p>13 A. Carolyn Helm.</p> <p>14 Q. Carolyn Helm?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And what is her title?</p> <p>17 A. Compliance manager.</p> <p>18 Q. And are you and Carolyn -- is y'all's</p> <p>19 department under the legal umbrella department?</p> <p>20 A. I don't know. I don't believe -- my</p> <p>21 understanding, it's compliance.</p> <p>22 Q. Okay. And you don't know whether compliance</p> <p>23 falls under legal at Experian?</p> <p>24 A. If there's an umbrella, I just don't have</p> <p>25 knowledge of that.</p>	<p style="text-align: right;">Page 8</p> <p>1 customers?</p> <p>2 A. Potential customers, yeah.</p> <p>3 Q. Okay. Did you ever work in any kind of</p> <p>4 compliance or auditing-type position at Verizon?</p> <p>5 A. No.</p> <p>6 Q. Okay. Strictly at Verizon was in sales?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And how long were you at Verizon?</p> <p>9 A. I believe, a couple of years. I'm not quite</p> <p>10 sure of the exact time frame.</p> <p>11 Q. And then prior to Verizon, where were you?</p> <p>12 A. I believe -- it would be Track 'n Trail, I</p> <p>13 believe. It was just a long time ago. I can't remember</p> <p>14 exactly the time frame.</p> <p>15 Q. What did you say?</p> <p>16 A. Track 'n Trail.</p> <p>17 Q. Okay. What is that?</p> <p>18 A. It is a shoe company.</p> <p>19 Q. Okay. And were you in sales for them?</p> <p>20 A. No. I was in accounting.</p> <p>21 Q. Okay. And how long were you there at</p> <p>22 Track 'n Trail?</p> <p>23 A. I don't know. Maybe a year.</p> <p>24 Q. Okay. When did you graduate college?</p> <p>25 A. I did not graduate.</p>

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<p>1 Q. Okay.</p> <p>2 A. I'm still pursuing.</p> <p>3 Q. Okay. What are you -- what degree are you</p> <p>4 pursuing?</p> <p>5 A. Just general. I haven't gone to college -- I</p> <p>6 haven't finished college. So whenever I have an</p> <p>7 opportunity to go, then I go.</p> <p>8 Q. Okay. Prior to Experian, had you ever worked</p> <p>9 at any kind of job where you had the duties which you're</p> <p>10 doing now, dealing with legal or compliance?</p> <p>11 A. No.</p> <p>12 Q. And prior to taking the position in 2006 with</p> <p>13 Experian, the senior legal and compliance specialist</p> <p>14 position, was -- any training that you received, was</p> <p>15 that all internal through Experian?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. Did you receive any type of training</p> <p>18 outside of the confines of Experian for that position?</p> <p>19 A. No, sir.</p> <p>20 Q. Okay. Was there actually a training period</p> <p>21 time before you took the position as senior legal and</p> <p>22 compliance specialist or was that something that you</p> <p>23 took that position and then trained as you went?</p> <p>24 A. As far as the position, everything that I had</p> <p>25 learned through Experian, through my job</p>	<p>1 Q. Not counting today, how many times have you</p> <p>2 given your deposition --</p> <p>3 A. I don't keep --</p> <p>4 Q. -- for Experian?</p> <p>5 A. I don't keep track.</p> <p>6 Q. How many have you done this year?</p> <p>7 A. I don't have a number. I don't keep track of</p> <p>8 it. I've been doing these since 2006.</p> <p>9 Q. Okay. Would you say more than 100?</p> <p>10 A. I don't know. I really don't know.</p> <p>11 Q. You don't have any idea?</p> <p>12 A. No, sir.</p> <p>13 Q. Okay. Have you done any this year, other than</p> <p>14 this one?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Did you do one last week?</p> <p>17 A. No.</p> <p>18 Q. Okay. Have you done any this month?</p> <p>19 A. No.</p> <p>20 Q. Okay. Have you done any this year, other than</p> <p>21 this one?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you don't know how many that is?</p> <p>24 A. No, sir.</p> <p>25 Q. Okay. Within Experian, is there any way -- if</p>
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<p>1 responsibilities led me -- was able to do my current</p> <p>2 position. There was no training for this position.</p> <p>3 Q. Okay. How many people at Experian hold the</p> <p>4 same position, the same title?</p> <p>5 A. Four.</p> <p>6 Q. Four? Okay. Who are those folks?</p> <p>7 A. Jason Scott, Mary Methvin.</p> <p>8 Q. Methvin?</p> <p>9 A. Yeah. Methvin, v-i-n.</p> <p>10 Q. Yeah.</p> <p>11 A. Carla Blair.</p> <p>12 Q. And would Carla, Mary or Jason do the same</p> <p>13 thing you're doing and it's just how -- well, how is it</p> <p>14 divided over who does what among the four of you?</p> <p>15 A. As far as the federal cases, it would be Jason</p> <p>16 and myself. Small claims would be Mary and Carla.</p> <p>17 Q. Okay. So if it's a case pending in federal</p> <p>18 court, you or Jason handle it; is that correct?</p> <p>19 A. When you say "handle it," it's going to be</p> <p>20 either Jason or myself doing depositions. We all do the</p> <p>21 same kind of job functions, though.</p> <p>22 Q. Okay. Is part of your job as senior legal and</p> <p>23 compliance specialist to give depositions on behalf of</p> <p>24 Experian?</p> <p>25 A. Yes, it is.</p>	<p>1 somebody wanted to know that, how would they find that</p> <p>2 out?</p> <p>3 A. I really don't know. I don't know if or who</p> <p>4 would keep track of that information. I have no idea.</p> <p>5 Q. Have you been asked a lot of times in your</p> <p>6 deposition how many times you've given your deposition?</p> <p>7 A. Yes, I have.</p> <p>8 Q. Okay. And is that answer the same, what you</p> <p>9 just gave me, "I don't remember"?</p> <p>10 A. I don't remember. I don't keep count, sir.</p> <p>11 MR. HANTHORN: Other than perhaps the</p> <p>12 first one, right, Dave?</p> <p>13 Q. (BY MR. SELBY) Have you had to testify in</p> <p>14 trial?</p> <p>15 A. Not in a federal trial with juries and such,</p> <p>16 no.</p> <p>17 Q. Okay. Have you testified in any arbitrations,</p> <p>18 arbitration hearings?</p> <p>19 A. I don't believe so. I've attended small</p> <p>20 claims, if you want to call that trial. I just don't --</p> <p>21 I'm not an attorney. But I have attended small</p> <p>22 claims --</p> <p>23 Q. Okay.</p> <p>24 A. -- and testified for Experian.</p> <p>25 Q. Other than small claims, have you ever</p>

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<p>1 testified in any type of judicial proceeding? And I'm 2 not counting a deposition.</p> <p>3 A. Whatever would be testified in writing, any 4 kind of -- any -- outside of depositions and what I 5 would normally do, no.</p> <p>6 Q. Okay. And you've been giving depositions, you 7 said, since 2006?</p> <p>8 A. Uh-huh.</p> <p>9 Q. Had you given any depositions prior to 2006 --</p> <p>10 A. Nuh-uh.</p> <p>11 Q. -- prior to becoming --</p> <p>12 A. No, sir.</p> <p>13 Q. Okay. So you didn't start doing depositions 14 until you took the title of senior legal and compliance 15 specialist?</p> <p>16 A. That's correct.</p> <p>17 Q. All right. And you never gave a -- when you 18 were a dispute agent, if there was a case dealing with a 19 dispute you handled, you didn't give a deposition with 20 regards to that, did you?</p> <p>21 A. No. I never have done a deposition prior.</p> <p>22 Q. Okay. Experian would designate somebody at 23 that time in senior legal and compliance to give that 24 deposition?</p> <p>25 A. If the title was different, the same position,</p>	<p>1 she's already told you earlier or do you want her to 2 repeat that?</p> <p>3 Q. (BY MR. SELBY) As a compliance specialist, 4 what do you do?</p> <p>5 A. Generally, I assist consumers when they call 6 in. I also work with internal and outside counsel 7 whenever Experian's named in a federal lawsuit to gather 8 documents for discovery.</p> <p>9 Q. And when was the first time you became aware of 10 Curtis Collins' dispute?</p> <p>11 A. As far as the -- when Experian was named in the 12 lawsuit and Experian's counsel contacted me to gather 13 the documents.</p> <p>14 Q. Okay. So prior to Experian's counsel -- and 15 when you say "Experian's counsel," are you talking about 16 somebody with Jones Day or are you talking about 17 somebody internally?</p> <p>18 A. It would be Jones Day handling the case.</p> <p>19 Q. Okay. So it would be fair to say that the 20 first time you were aware of Curtis Collins' case was 21 when somebody from Jones Day contacted you about it?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay. You had never at any point before that 24 assisted or looked into Curtis Collins' complaint?</p> <p>25 A. No, sir.</p>
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<p>1 yes, sir.</p> <p>2 Q. Okay. And are you aware of any instances where 3 the dispute agent is actually -- that deposition has 4 actually been taken by an attorney, any cases that 5 you've monitored as senior legal and compliance?</p> <p>6 A. Yes, I have.</p> <p>7 Q. Okay. And have you ever given a deposition in 8 the state of Alabama?</p> <p>9 A. No, I have not.</p> <p>10 Q. Okay. Have you ever given any depositions 11 outside of the State of Texas?</p> <p>12 A. Yes.</p> <p>13 Q. Where have been some other states you've given 14 depositions?</p> <p>15 A. I believe the only other state was New York.</p> <p>16 Q. Okay. So other than New York, would it be fair 17 to say that all other depositions were here in Texas?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. And were, for the most part, all those 20 depositions here at Jones Day?</p> <p>21 A. There have been a few that were not, but, 22 generally, yes.</p> <p>23 Q. Okay. Other than testifying in depositions, 24 what would be your role as a compliance specialist?</p> <p>25 MR. HANTHORN: You mean other than what</p>	<p>1 Q. Okay. And when you began investigating Curtis 2 Collins' complaint, tell me, what was the first thing 3 you did?</p> <p>4 MR. HANTHORN: I'm going to object to the 5 extent the question calls for work product to the extent 6 it had to do with anything that she was directed to do 7 by counsel in order to help and assist counsel in 8 preparing for the case. If there was something she did 9 that was not at counsel's direction and that does not 10 invade the work product, she can answer.</p> <p>11 Do you understand what I'm asking you not 12 to answer, Ms. Iwanski?</p> <p>13 THE WITNESS: Yes, sir.</p> <p>14 MR. HANTHORN: Okay.</p> <p>15 Q. (BY MR. SELBY) Did you do anything to 16 investigate this on your own, other than what the 17 lawyers were telling you to do?</p> <p>18 A. Anything done was at direction of counsel.</p> <p>19 Q. Okay. So on behalf of Experian, you've done 20 nothing to investigate Curtis Collins' matter, other 21 than what Jones Day have told you?</p> <p>22 A. Everything would be at direction of counsel.</p> <p>23 Q. Okay. Nothing has been on your own?</p> <p>24 A. Everything done would be at direction of 25 counsel.</p>

<p style="text-align: center;">Page 17</p> <p>1 Q. Okay. And prior to you getting involved with 2 this matter, do you know who at Experian did look into 3 Curtis Collins' complaint? What individuals? 4 A. I don't know if there were any. 5 Q. Okay. 6 MR. HANTHORN: And you are talking about, 7 Dave, just to make sure I have the time frame in my 8 head, after the lawsuit was filed or are you including 9 anything involving Curtis Collins from the time the 10 dispute first began -- from the time he first contacted 11 Experian? 12 MR. SELBY: From the time Experian first 13 learned of his dispute. 14 A. Are we talking -- I'm sorry. I apologize. Are 15 we talking about the complaint itself or just overall 16 him contacting Experian? 17 Q. (BY MR. SELBY) From the very first time he 18 contacted Experian. 19 A. And I apologize. Can you ask the question 20 again? 21 Q. Okay. Who is it that, prior to you getting 22 involved, would have been the one overseeing and looking 23 into Curtis Collins' complaint? 24 MR. HANTHORN: And when you say 25 "complaint," again, you mean dispute --</p>	<p style="text-align: center;">Page 19</p> <p>1 MR. SELBY: Okay. Okay. 2 MR. HANTHORN: I mean, I'm perfectly happy 3 to point out -- 4 MR. SELBY: And she's made that clear. 5 I'm just trying to -- 6 Q. (BY MR. SELBY) Have you talked to anybody else 7 at Experian to get ready for the deposition? 8 A. No. 9 Q. Since your involvement, then, the only things 10 that you've done have been at the direction of Jones 11 Day, correct? 12 A. Yes, sir. 13 Q. Okay. No investigation on your own, correct? 14 A. That's correct. 15 Q. Okay. And you haven't spoken with anybody 16 other than Jones Day lawyers about the case? 17 A. To get ready for the deposition, yes. 18 Q. Okay. And have you spoken with anybody other 19 than Jones Day lawyers, other than getting ready for the 20 deposition, about Curtis Collins? 21 MR. HANTHORN: I'm sorry. Let me object 22 on the same work product grounds. If it helps, I will 23 stipulate that there were some conversations that Jones 24 Day lawyers were involved with that had more than one 25 person from Experian on the line when we were doing some</p>
<p style="text-align: center;">Page 18</p> <p>1 MR. SELBY: Dispute. 2 MR. HANTHORN: -- as opposed to the 3 lawsuit? 4 MR. SELBY: Yeah. 5 MR. HANTHORN: I'm sorry, Dave. I'm 6 trying to stay out of your way, but -- 7 A. If we are talking about the contacts that 8 Mr. Collins has had with Experian, it would be a dispute 9 agent that would handle the piece of mail, if we're 10 talking about a piece of mail. And I believe the name 11 of the agent was already given in an interrogatory. I 12 don't -- I didn't memorize the name. 13 Q. (BY MR. SELBY) Okay. Have you talked to that 14 dispute agent? 15 A. No, I have not. 16 Q. Okay. Have you talked with anybody at Experian 17 to get ready for the deposition today? 18 A. Anything done would be at direction of counsel. 19 But as far as speaking to the agents, no. 20 Q. Other than the agents, putting the agents 21 aside, have you spoken to anybody else at Experian to 22 get ready for the deposition? 23 A. Anything discussed would be at direction of 24 counsel. Beyond that, no. 25 MR. HANTHORN: She talked to us.</p>	<p style="text-align: center;">Page 20</p> <p>1 of our factual and work product investigation. As to 2 those, I'm going to instruct the witness not to answer 3 on the grounds of work product. 4 Q. (BY MR. SELBY) Okay. Other than conversations 5 where the lawyers were involved, have you had any 6 conversations on your own to investigate Curtis Collins' 7 complaint? 8 A. No. 9 Q. Okay. Other than talking with other people at 10 Experian at direction of -- well, have you looked at any 11 documents on your own? 12 A. Just reviewed the documents that Experian 13 produced in discovery to get ready for the deposition. 14 Q. Okay. That the lawyers produced? 15 A. Yes, sir. 16 Q. Okay. And it would be fair to say that you, as 17 the senior legal and compliance person in that position 18 assigned to Curtis Collins' dispute, you haven't, on 19 your own said, Hey, I need to look into certain 20 documents? 21 A. As far as the documents, I reviewed everything 22 that was produced. Beyond that, it would just be 23 conversations with counsel. 24 Q. Okay. But when you say you've reviewed 25 everything that's been produced, you're talking about in</p>

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<p>1 the lawsuit, correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Okay. And --</p> <p>4 MR. HANTHORN: As the witness testified, 5 she also helped find those documents in order to produce 6 them.</p> <p>7 Q. (BY MR. SELBY) Okay. What documents did you 8 find on your own, not at direction of counsel?</p> <p>9 A. There's no documents that were found. It's 10 just the business records that we normally keep; and 11 those were produced.</p> <p>12 Q. Okay. There wasn't a situation where, when you 13 got assigned this file by Experian, that you looked at 14 it and said, Hey, based on this dispute and based on my 15 knowledge of how things work at Experian, I'd like to 16 know A, B and C?</p> <p>17 MR. HANTHORN: And you're asking, to make 18 sure I understand, given the work product nature of what 19 happened, if she did that on her own as opposed to 20 having that conversation with me and then going ahead 21 and doing that in order to inform me; is that correct?</p> <p>22 MR. SELBY: I don't really know what 23 you're saying, Greg.</p> <p>24 MR. HANTHORN: Okay, David. Maybe the 25 problem is I don't know what you're saying. And I</p>	<p>1 decided numerous times on 30(b) issues like this.</p> <p>2 Q. (BY MR. SELBY) But what I want to know is, 3 simply, when you got the Curtis Collins matter and you 4 understood what his complaint was, did you, on your own, 5 without the lawyers having to tell you what to do, as 6 the senior legal and compliance person, did you say, 7 Hey, you know, based on what he's complaining, I need to 8 look into this and get these particular documents?</p> <p>9 MR. HANTHORN: Same objection. You may 10 answer subject to the objection.</p> <p>11 A. As far as the documents, it's the documents 12 that we normally keep in the course of business, and 13 that was no different than any other case. As far as 14 reviewing anything, that would be at direction of 15 counsel or conversations with counsel. Beyond that, 16 there was nothing else.</p> <p>17 MR. SELBY: And, Greg, I take it, based on 18 your repeated instructions to her, that Experian will 19 not be providing her as a trial witness because of what 20 she cannot testify to because of it being work product 21 and privileged?</p> <p>22 MR. HANTHORN: No, because she can 23 continue to testify as to what the documents are, how 24 they're kept in the normal course of business and many 25 things that have nothing to do with your questions.</p>
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<p>1 apologize if we're talking across each other.</p> <p>2 Because the witness first got involved 3 with this working actively with counsel, asking the 4 witness what she did on her own, when everything she's 5 doing is helping inform me and Sean as to what's going 6 on, is asking her perhaps to separate something that 7 can't logically be separated.</p> <p>8 So to the extent you have done anything, 9 as Dave has continued to use the phrase, "on your own," 10 please feel free to do that. But to the extent that you 11 were coming up with suggestions of places that we ought 12 to look or things we ought to do to assist me and Sean 13 in developing what's going on in work product, that's 14 protected by work product and I'm asking you to leave 15 that out.</p> <p>16 Dave, that's what I'm trying to make sure 17 we're keeping separate.</p> <p>18 MR. SELBY: Yeah. And I'll just -- I 19 mean, I'm not going to get into a back and forth on 20 this, but let me just state for the record, I completely 21 disagree with your definition of how you're broadening 22 work product, but I'm --</p> <p>23 MR. HANTHORN: We can fight that out 24 later.</p> <p>25 MR. SELBY: That can -- that's been</p>	<p>1 MR. SELBY: No. That's not what I'm 2 talking about.</p> <p>3 MR. HANTHORN: Okay.</p> <p>4 MR. SELBY: The questions I'm asking that 5 you're telling her she can't answer as to work product, 6 your position is not going to be that she can answer 7 those later?</p> <p>8 MR. HANTHORN: My position is going to be, 9 as to the items that are work product, that on this 10 30(b)(6) deposition, to the extent it was done at the 11 direction of counsel, was done at the direction of 12 counsel. If later on there is testimony that she can 13 give that involves what she did not at the direction of 14 counsel or that involves things like explaining what 15 documents are, explaining how they're used, explaining 16 those types of things, then, yes, she can continue to do 17 that. I don't know how else, really, to address your 18 point, David.</p> <p>19 Q. (BY MR. SELBY) Other than explaining 20 documents, if the Court were to ask you on its own to, 21 say -- other than giving your opinion on what a document 22 means or what's kept in the normal course of business, 23 is there anything you could testify to that wasn't done 24 at the direction of counsel?</p> <p>25 MR. HANTHORN: Object to the form of the</p>

<p style="text-align: right;">Page 25</p> <p>1 question; hypothetical, speculative. You may answer. 2 A. Everything done was at direction of counsel. 3 Whether or not a court tells me, I'm not an attorney. I 4 really don't know how it works.</p> <p>5 Q. (BY MR. SELBY) So everything was done at the 6 direction of counsel?</p> <p>7 A. Yes, sir.</p> <p>8 (Exhibit Number 1 was marked)</p> <p>9 Q. Okay. I've put in front of you what's been 10 marked Plaintiff's Exhibit 1 -- or Deposition Exhibit 1, 11 which is the judgment by a trial that was entered in the 12 District Court of Jefferson County, Alabama, Birmingham 13 Division.</p> <p>14 And the first question I'll ask you: Have 15 you ever seen this before?</p> <p>16 A. Yes. Getting ready for the deposition, I did 17 review this document that we received post-litigation.</p> <p>18 Q. Okay. And in your review of the file, once 19 you -- when you received it at the time of litigation, 20 was this document in Experian's file?</p> <p>21 A. I'm sorry. I didn't quite understand the 22 question. I apologize.</p> <p>23 Q. Was this document -- Deposition Exhibit 1, was 24 it in Experian's file at the time you were assigned the 25 file?</p>	<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. Identify what this document is. 2 A. It's a letter addressed to Experian -- 3 Q. Okay. 4 A. -- according to the document that I'm looking 5 at right now.</p> <p>6 Q. And who is it from?</p> <p>7 A. According to the document, it shows a Curtis 8 Collins as the name of this -- the document itself. 9 Like I said, it just doesn't have the entire document 10 showing how this information was sent to Experian.</p> <p>11 Q. Okay. And when you say it doesn't have the 12 entire document showing how it was sent to Experian, 13 explain what you mean by that.</p> <p>14 A. Sure. What's left out is the envelope -- a 15 copy of the envelope, front and back. So that shows how 16 the information was sent to Experian. And this 17 particular document was sent in what appeared to be a 18 mass mailing, which showed to possibly not be actually 19 sent by Mr. Collins. So I just wanted to make sure that 20 was clear.</p> <p>21 Q. Okay. And when you say "appeared to be a mass 22 mailing," explain what you mean by that.</p> <p>23 A. Sure. Part of the process where Experian 24 receives mail, we also look at how the information is 25 sent in to Experian. And there are times when there is</p>
<p style="text-align: right;">Page 26</p> <p>1 A. No, sir. This was received post-litigation 2 through counsel. It was not in something that Experian 3 produced.</p> <p>4 Q. Okay. And do you know how Experian obtained 5 Exhibit 1?</p> <p>6 A. I just know through counsel. That's all I 7 know, sir.</p> <p>8 MR. HANTHORN: If it helps, David, I'd be 9 happy to stipulate that Wesley provided it in response 10 to a document request.</p> <p>11 MR. SELBY: And that stipulation, it goes 12 without saying that that was -- prior to getting it 13 through plaintiff's counsel, that was not in Experian's 14 file?</p> <p>15 MR. HANTHORN: That's what I think the 16 witness has testified to, and I also believe it to be 17 true. I mean, I'm not --</p> <p>18 (Exhibit Number 2 was marked)</p> <p>19 Q. (BY MR. SELBY) I'll show you what is 20 Deposition Exhibit 2 and ask you if you recognize that 21 document?</p> <p>22 A. I recognize the document. However, it's not 23 the entire document that Experian produced. It appears 24 to be a single page of a document that Experian 25 produced.</p>	<p style="text-align: right;">Page 28</p> <p>1 a company purporting to be from the consumer. So we do 2 look to see if there is similar envelopes with writing, 3 with mailing, with P.O. Box, in a similar style of 4 letter as well to see if that looks suspicious when 5 they're purporting to be from the consumer.</p> <p>6 Q. And what companies has Experian had that send 7 mass mailings to dispute debt?</p> <p>8 A. I'm not sure what you mean by "companies."</p> <p>9 Q. I thought you just said that there was -- you 10 received mass mailings from certain companies.</p> <p>11 A. How I would categorize that -- and it's just a 12 name I know of -- would be something of a credit 13 clinic-type activity. The exact company I wouldn't 14 know.</p> <p>15 Q. So Experian has had situations in which they've 16 discovered that something like a credit clinic is 17 disputing debts on behalf of a consumer without the 18 consumer's permission?</p> <p>19 A. I don't know the relationship on whether there 20 would be permission or not permission. According to the 21 information that I know of, the documents are looked at 22 to see if the information appears to be from the 23 consumer or a third party. Experian takes the privacy 24 of a consumer very seriously and strives to make sure 25 that what we are receiving is actually from the consumer</p>

<p style="text-align: right;">Page 29</p> <p>1 directly or a reseller.</p> <p>2 Q. And your testimony is that, based on what</p> <p>3 Experian had by way of the envelope, it appeared to be</p> <p>4 from a third party?</p> <p>5 A. That's not the only piece that Experian looks</p> <p>6 at. Experian looks at the writing on the envelope,</p> <p>7 where it was mailed from, the letter itself as well when</p> <p>8 it's opened. And what happens is there will be a series</p> <p>9 of letters that look exactly like that or mailed from</p> <p>10 the exact post office and they're all in a -- they come</p> <p>11 from a large bucket from the post office. So Experian</p> <p>12 does go through to see if it does appear to be a third</p> <p>13 party mailing them.</p> <p>14 Q. And did you determine, in looking at these</p> <p>15 documents, that it did come from a third party?</p> <p>16 A. What I'm able to review is just the information</p> <p>17 I have with me today. I wasn't next to the person that</p> <p>18 was sorting the mail that day. But I do see that within</p> <p>19 Experian's records, we did send a letter to Mr. Collins</p> <p>20 stating that it appeared that we did get some mail, but</p> <p>21 quite possibly not directly from you, and asking the</p> <p>22 consumer if they really were trying to contact Experian,</p> <p>23 this would be appropriate information to send in.</p> <p>24 Q. And that letter that Experian sent, is that</p> <p>25 automatically done with each consumer dispute?</p>	<p style="text-align: right;">Page 31</p> <p>1 there's a lot of processes that would lead up to this.</p> <p>2 But based off of the information that was received at</p> <p>3 this time, this -- Exhibit 3 -- is what was sent.</p> <p>4 Q. Okay. And what information at the time led</p> <p>5 Experian to send Deposition Exhibit 3?</p> <p>6 A. What the agents are trained to do is look at</p> <p>7 all the information that's received at that time. With</p> <p>8 the fact that it comes through the post office box,</p> <p>9 we're able to see all the envelopes, all the writing and</p> <p>10 also the mail correspondence and see where there's a</p> <p>11 similarity. So that's how the agents are trained in</p> <p>12 order to sort the mail.</p> <p>13 Q. Okay. But what about in this situation, what</p> <p>14 was the reason the agent -- what prompted the agent to</p> <p>15 send Exhibit 3?</p> <p>16 A. It would be everything that was received at</p> <p>17 that time. And that's how the agents are trained, to</p> <p>18 look at all the information that's sent. And the agents</p> <p>19 are trained to look for that information to see if it's</p> <p>20 purported to be from the consumer and look for</p> <p>21 everything that was similar around it, all the mail</p> <p>22 correspondence that were mailed at that time -- or</p> <p>23 received at that time.</p> <p>24 Q. But do you know if that was the case in this</p> <p>25 situation?</p>
<p style="text-align: right;">Page 30</p> <p>1 A. No, sir, it's not automatically done.</p> <p>2 Q. Okay. And you don't know -- you haven't talked</p> <p>3 to the agent who handled that, so you don't know why</p> <p>4 they would have sent the letter asking for more</p> <p>5 information from him, do you?</p> <p>6 A. It was not a letter asking for more</p> <p>7 information. It was a letter advising the consumer that</p> <p>8 we received something suspicious that appeared to be</p> <p>9 from a third party. All I can see is the information</p> <p>10 within Experian's records. As far as the agent</p> <p>11 information, I did not have a discussion with the agent.</p> <p>12 (Exhibit Number 3 was marked)</p> <p>13 Q. Okay. So you don't know why the agent -- and</p> <p>14 I'll show you what's -- is this what you're talking</p> <p>15 about, Exhibit 3?</p> <p>16 A. Yes. This is the letter that was sent based</p> <p>17 off of that.</p> <p>18 MR. HANTHORN: Just to complete it, do you</p> <p>19 want to give her page 2 of 2 since it says page 1 of 2</p> <p>20 and you appear to have it in front of you? Thanks.</p> <p>21 Q. (BY MR. SELBY) Now, when Experian got</p> <p>22 Exhibit 2, they would -- they then sent Exhibit 3,</p> <p>23 correct?</p> <p>24 A. There's a process that it goes through. We</p> <p>25 receive the mail, open the mail, sort the mail. So</p>	<p style="text-align: right;">Page 32</p> <p>1 A. That's how the agents are trained.</p> <p>2 Q. I'm not asking you how they're trained. In</p> <p>3 this situation, is that -- was that the case?</p> <p>4 A. Yes. Based off of everything that I was able</p> <p>5 to view, this is -- that's the case.</p> <p>6 Q. What was it that you were able to view that you</p> <p>7 were able to confirm that?</p> <p>8 A. Just knowing the -- this particular document</p> <p>9 format, the information that I've previously seen.</p> <p>10 Q. Okay. What document are you referring to?</p> <p>11 A. Not a specific document. But certainly</p> <p>12 Experian has received similar documents such as this.</p> <p>13 Q. Such as what?</p> <p>14 A. Such as this letter from the --</p> <p>15 Q. Are you talking about Exhibit 2?</p> <p>16 A. -- I apologize -- from the post office box with</p> <p>17 similar writing on the envelope.</p> <p>18 Q. Okay. Let me make sure I understand what</p> <p>19 you're saying. You're saying based -- what you've</p> <p>20 looked into, that based on the writing on the envelope,</p> <p>21 somebody sat and compared the writing on the envelope to</p> <p>22 say that we've gotten the same handwriting before?</p> <p>23 A. No, sir. It's actually looked at at the time</p> <p>24 that Experian receives the mail. So Experian would be</p> <p>25 looking at the entire bucket that's received from the</p>

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<p>1 post office box, and the agents are trained to go 2 through to see what is from the same post office box and 3 the envelope, the information itself, the similar 4 writing, as well as the format and the information 5 within the document itself, the letter.</p> <p>6 Q. Okay. So do you know what it was and what that 7 agent looked at in that "bucket of mail" that made them 8 determine that Exhibit 3 needed to be sent?</p> <p>9 A. It would be everything on the envelope, as well 10 as this document.</p> <p>11 Q. Okay. What was it on the envelope itself that 12 made them --</p> <p>13 A. It would be in comparison of what was received 14 at that time.</p> <p>15 Q. Okay. Have you done any investigation 16 yourself -- well, has Experian done any investigation to 17 determine whether that's correct or not?</p> <p>18 A. I'm not sure what you mean by "correct or not."</p> <p>19 Q. That agent actually went -- you could verify 20 that, hey, this is the reason I sent -- if they were 21 asked by their supervisor, Why did you send Exhibit 3, 22 what would they show their supervisor to say, This is 23 the reason I sent Exhibit 3?</p> <p>24 A. I'm not entirely sure. Based on the 25 information I know of, that's the comparison that they</p>	<p>1 trained? That's it?</p> <p>2 A. My knowledge of the process and how I was 3 trained, yes, sir.</p> <p>4 Q. Okay. Well, your knowledge of the process 5 overall, but you don't have any knowledge of this 6 individual process?</p> <p>7 A. Only --</p> <p>8 MR. HANTHORN: Objection; vague. You may 9 answer.</p> <p>10 A. Only the fact that I do know the training that 11 they have and I do have personal knowledge in that 12 training. So that's all the information that I would 13 know of.</p> <p>14 Q. (BY MR. SELBY) Do you have -- are you aware at 15 all of this particular agent who handled making the 16 decision to send Exhibit 3?</p> <p>17 A. I'm not sure what you mean by "aware."</p> <p>18 Q. Do you know him?</p> <p>19 A. Do I know the person?</p> <p>20 Q. Yes.</p> <p>21 A. No, I do not.</p> <p>22 Q. Okay. Do you know whether or not they've ever 23 been disciplined in any way for not following 24 procedures?</p> <p>25 A. Not that I know of.</p>
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<p>1 would make at that time.</p> <p>2 Q. And you don't have any personal knowledge of 3 why Exhibit 3 was sent?</p> <p>4 MR. HANTHORN: Other than the training 5 that she's talked about, correct? Can we put that aside 6 so that she --</p> <p>7 MR. SELBY: Well, that's not --</p> <p>8 MR. HANTHORN: -- doesn't have to keep 9 repeating it? I know. But I'm just saying if by 10 personal knowledge you're asking her to put that aside. 11 Is that the question?</p> <p>12 Q. (BY MR. SELBY) Do you have any personal 13 knowledge of why Exhibit 3 was sent?</p> <p>14 A. Just based off what I know how the agents are 15 trained.</p> <p>16 Q. Okay. When you're talking about the way 17 they're trained, you're talking about what they're 18 supposed to do, right?</p> <p>19 A. Yes. There's a process where Experian's 20 employees receive the pieces of mail, sort the pieces of 21 mail and then go through another sorting process 22 afterwards. So there's many steps to get to this point. 23 But, yes, that's how the agents are trained.</p> <p>24 Q. Okay. And so the information you have as to 25 why Exhibit 3 was sent is simply based on how they were</p>	<p>1 Q. Would that be important to know? I mean, I 2 know you've testified that your information is based on 3 their training. So would it be important to know 4 whether or not the agent has followed their training?</p> <p>5 A. Based on the information I was able to review 6 and the fact that I have been the quality auditor 7 previously, it appears that the agent did everything 8 correctly.</p> <p>9 Q. Okay. But would it be important to you to know 10 whether or not that agent has ever been disciplined for 11 not following training?</p> <p>12 A. I don't -- as it applies today, that's just not 13 information I've been privy to.</p> <p>14 Q. Would that be important to you to know whether 15 or not that agent has ever been disciplined for not 16 following Experian's training?</p> <p>17 A. When you say "important," what I'm looking at 18 here today is a process where it was done correctly. It 19 was not even something that Experian reviewed or thought 20 about.</p> <p>21 Q. Well, let's back up. You're saying your 22 knowledge is based on the fact of how they were trained, 23 correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. And when someone -- how someone is</p>

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<p>1 trained is -- you're assuming that they were doing what 2 they were told, how they were trained, correct?</p> <p>3 A. To follow Experian's policies and procedures, 4 yes, sir.</p> <p>5 Q. Okay. And in your position of senior legal and 6 compliance, would it be important to you to know whether 7 or not a particular agent had been disciplined at any 8 time before for failing to follow the training 9 guidelines by Experian?</p> <p>10 MR. HANTHORN: Objection; asked and 11 answered. You may answer.</p> <p>12 A. As far as any kind of training or quality 13 processes, the agents are reviewed and quality checked 14 monthly. Beyond that, if there was any issues with a 15 person not following procedures, they would not be 16 employed with Experian. So there would be a process 17 where that would be already happening. It's not 18 something that I would have to do post-litigation or 19 have done before.</p> <p>20 Q. (BY MR. SELBY) Yeah. Alls I'm asking is: 21 Would it be important to you? Yes or no.</p> <p>22 MR. HANTHORN: Same objection.</p> <p>23 A. And, again, when you're saying "important," 24 I -- based on my knowledge, this agent did everything 25 correctly.</p>	<p>1 sorry -- is are there agents who have been disciplined 2 for not following the process that leads to Exhibit 3 3 after receiving something like Exhibit 2? You're 4 limiting it to that at this point, correct?</p> <p>5 MR. SELBY: That was the question, yeah. 6 MR. HANTHORN: Okay. Sorry.</p> <p>7 A. I don't have a -- I'm not privy to exact 8 information like that, but certainly quality is part of 9 Experian's utmost processes. So that information is 10 constantly reviewed.</p> <p>11 Q. (BY MR. SELBY) Alls I'm asking is: Are you 12 aware of any agents that have been disciplined for not 13 following the process from what happens from when they 14 get Exhibit 2 to sending out Exhibit 3?</p> <p>15 A. I'm just not privy to that. I would not know. 16 But I do not have personal knowledge of a particular 17 person.</p> <p>18 Q. So you are not aware?</p> <p>19 A. In my --</p> <p>20 MR. HANTHORN: Asked and answered.</p> <p>21 A. In my job function, it's not something --</p> <p>22 MR. SELBY: No, she's not answering it, 23 Greg.</p> <p>24 MR. HANTHORN: Well, actually, she is. 25 She did say she's not aware. She did say she doesn't</p>
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<p>1 Q. (BY MR. SELBY) But that's assuming they have 2 followed the training, correct? That's what your 3 knowledge is based on? Because you haven't talked to 4 that agent, right?</p> <p>5 A. No, I have not.</p> <p>6 Q. Okay. And your testimony to this point of why 7 Exhibit 3 was sent is assuming that they had followed 8 the training that they had been provided by Experian?</p> <p>9 MR. HANTHORN: Objection; asked and 10 answered. You may answer.</p> <p>11 A. Everything that I have knowledge of is from my 12 training, as well as reviewing documents for discovery 13 and looking to see if it was done correctly as well. 14 And according to the information I have and my training, 15 this was done correctly.</p> <p>16 Q. (BY MR. SELBY) But at any point, have you 17 checked on any kind of discipline record of this 18 particular agent?</p> <p>19 A. I have not.</p> <p>20 Q. Okay. Have there been Experian agents who have 21 been disciplined for not following the process we're 22 talking about at this point right here between Exhibit 2 23 and 3?</p> <p>24 A. I know that --</p> <p>25 MR. HANTHORN: So the question, Dave --</p>	<p>1 have personal knowledge, and then you went ahead and 2 asked it again. So that's why it's an asked and 3 answered objection. But you may answer.</p> <p>4 A. Part of my job functions is not -- it's not 5 knowing particular information about an agent. And I 6 just don't -- do not have personal knowledge of a 7 particular agent being terminated through this process. 8 I just don't have that information. I don't know.</p> <p>9 Q. (BY MR. SELBY) Okay. And I wasn't limiting it 10 to termination.</p> <p>11 Well, let me ask you this: When you 12 were -- going back, when you were an agent, were any of 13 your colleagues in that same position ever disciplined 14 by Experian for not following the process, Experian's 15 guidelines, from Exhibit 2 to Exhibit 3?</p> <p>16 A. Part of personnel records is private. I would 17 not know that information, sir.</p> <p>18 Q. Okay. So you're not aware of anybody?</p> <p>19 A. I'm not aware of it specifically happening, no, 20 sir.</p> <p>21 Q. Okay.</p> <p>22 A. I'm unaware of that in this particular process. 23 Being a quality agent, certainly that's something that 24 is checked. If there was ever any kind of discipline, I 25 just would not have knowledge of it, sir.</p>

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<p>1 Q. Okay. Were any colleagues of yours, while you 2 were an agent, disciplined in any way for not following 3 Experian's process at any point? And I'm not limiting 4 it to between Exhibit 2 and 3. Just as their job as an 5 agent, were they disciplined for not following 6 Experian's guidelines?</p> <p>7 A. Absolutely.</p> <p>8 Q. Okay. And who would be watching those agents 9 at Experian?</p> <p>10 A. There's a variety of check systems. I don't 11 know a particular person that would be --</p> <p>12 Q. Well, what's the title of a person over the 13 agents that they directly report to?</p> <p>14 MR. HANTHORN: Do they have to report, 15 Dave, or do you mean would look for this type of thing 16 also?</p> <p>17 MR. SELBY: Well, we can ask both.</p> <p>18 MR. HANTHORN: Okay.</p> <p>19 Q. (BY MR. SELBY) What's the name of the position 20 of the person who would be looking over to make sure the 21 agents are doing what they're supposed to do?</p> <p>22 A. There's a number of processes that Experian 23 has. Part of it is a quality check system to check the 24 work that they have done for that month, as well as 25 their own supervisors. Beyond that, it would be -- it</p>	<p>1 mass mailing; is that correct?</p> <p>2 A. Yes. That's the term they used.</p> <p>3 Q. Okay. And by that term, just so we're clear, 4 what do you mean by "mass mailing"?</p> <p>5 A. My understanding of what I've seen, when the 6 letters are picked up or delivered by the post office, 7 looking at the envelopes and the font or the -- all the 8 information, it appears that they are exactly the same. 9 So when I say "mass mailing," it's more like mass 10 letters that Experian receives.</p> <p>11 Q. All right. And you mentioned a P.O. Box. Is 12 that an indicator?</p> <p>13 A. Oh, I'm sorry. No.</p> <p>14 Q. It's not?</p> <p>15 A. No. We do have a post office box. Our 16 consumers --</p> <p>17 Q. No. I'm talking about coming -- whoever it's 18 sent from is a -- I thought you said that a P.O. Box was 19 an indicator.</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. And so, generally, it's just simply the 22 agent looking at the box of mail?</p> <p>23 A. Looking at the mail, how it's received, how 24 many look exactly the same, as well as opening the mail 25 and looking at the letter as well. So there's different</p>
Page 42	Page 44
<p>1 could be anybody within Experian checking to make sure 2 that the agents are following policies and procedures.</p> <p>3 Q. And what is the -- what's the title of the 4 folks who are directly above agents? Who supervises the 5 agents? What are their titles?</p> <p>6 A. I just know the name, supervisor.</p> <p>7 Q. It's just supervisor?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. And then above super-- who watches 10 those supervisors? What title is above that?</p> <p>11 A. I think it's operations manager. I'm not 12 entirely sure.</p> <p>13 Q. Okay. And above operations manager, who 14 would -- who's above them?</p> <p>15 A. I'm not sure of the exact title. I'm sorry.</p> <p>16 Q. Okay.</p> <p>17 MR. PHILLIPS: Think we can take about 18 three minutes?</p> <p>19 MR. SELBY: That's fine.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 (Recess from 10:17 to 10:28)</p> <p>22 Q. (BY MR. SELBY) In looking at some things that 23 would be -- what are some -- you mentioned a couple 24 things that an agent would look for when they get a 25 letter like Exhibit 2, and you said when looking at a</p>	<p>1 pieces that are put together.</p> <p>2 Q. And when the mail's delivered to Experian, is 3 it divided before it's given to an agent any certain 4 way?</p> <p>5 A. I believe they actually pick up the mail. Now, 6 I want to make sure that's clear. I believe we pick up 7 the mail. I don't believe it's delivered. I apologize.</p> <p>8 Q. Okay. Well, once Experian picks up the mail, 9 how is it then sorted? I mean, who -- does the agent -- 10 how do they decide what agent gets what box of mail?</p> <p>11 A. Through the process where the information is 12 received, there are instances where the agent would go 13 through the process where they're opening the mail; and 14 it's usually just boxes of -- post office boxes of mail. 15 And through that process, then the agents will sort. 16 And then there's a process where the agents image the 17 document. And then there's another process where that 18 person will then double-check to see if it needs to go 19 to be sorted for Exhibit 3 type of mailing.</p> <p>20 Q. And the person that determines that, is that 21 the same person that stays the agent for the dispute the 22 entire time?</p> <p>23 A. Based on this information, I wouldn't call this 24 a dispute, just to make sure that's clear. And, no. 25 The person that sorts it and -- the person that opens</p>

<p style="text-align: right;">Page 45</p> <p>1 the piece of mail and the person that sorts it is not 2 the same person that sends the letter.</p> <p>3 Q. What would you call Exhibit 2, if not a 4 dispute?</p> <p>5 A. According to the information I have, it would 6 be a third-party type of mail purporting to be from 7 Mr. Collins.</p> <p>8 Q. Assuming it's from Collins, is it a dispute?</p> <p>9 A. It's a letter. And reading it today, there is 10 information that's being disputed.</p> <p>11 Q. And based on what you know today, is Exhibit 2 12 a dispute?</p> <p>13 A. It would be -- still looking at the information 14 I was able to view, it would still be considered a 15 third-party type of mail, which would trigger Exhibit 3 16 to be sent.</p> <p>17 Q. Even if it's a third-party piece of -- even if 18 that's a third-party piece of mail, is that a dispute? 19 Is a third party disputing it?</p> <p>20 A. And this is my terminology. When I'm talking 21 about a dispute, I'm talking about where an agent is 22 going through and reading the document and starting that 23 process. Here the agents would not -- there's no agent 24 that would be reading it. Because it's going through a 25 sorting process, there's not an agent reading it for the</p>	<p style="text-align: right;">Page 47</p> <p>1 looking at how the information is being sent to 2 Experian.</p> <p>3 Q. Okay. The agent does not see that?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. So when the agent would have sent 6 Exhibit 3, they would not have seen the physical mailbox 7 before it was imaged?</p> <p>8 A. As far as the -- what the agents see, like I 9 said, there's the mail room and then there's the imaging 10 side; and on the imaging side, that particular agent 11 would have access to all the documents that were imaged 12 around that, so there's an opportunity to look at that 13 again. So the sorting agent would see that.</p> <p>14 Q. Okay. So it goes from the mail room -- it's 15 opened in the mail room, correct?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. Then it's imaged in the mail room?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. That's not done by an agent, correct?</p> <p>20 A. It's done by a mail room agent.</p> <p>21 Q. Okay.</p> <p>22 A. I don't know what they're -- if you want to 23 give them a title, I just don't know what that is.</p> <p>24 Q. So your mail room agent sorts the mail and 25 images it?</p>
<p style="text-align: right;">Page 46</p> <p>1 dispute.</p> <p>2 Q. So when it's sorted, it's not an agent reading 3 it for purposes of the dispute?</p> <p>4 A. No, sir. There's no dispute that's --</p> <p>5 Q. Who's sorting it? I mean, what is that person 6 titled?</p> <p>7 A. I don't know their exact title. It would be 8 somebody in the mail room.</p> <p>9 Q. Okay. And then the agent gets it after 10 somebody in the mail room sorts it, correct?</p> <p>11 A. Once the piece of mail is opened, it also then 12 goes through an imaging system, and then it's also 13 sorted from there as well.</p> <p>14 Q. Okay. So the person making the determination 15 about the mass mailing is in the mail room?</p> <p>16 A. The person that's looking at all of the 17 envelopes and all that information is in the mail room, 18 as well as another person that's looking at the 19 information -- a bundle of the information in the 20 imaging system in order to sort it properly.</p> <p>21 Q. But the person who's looking at the physical 22 box that you described earlier of mail, the bundle of 23 mail, that's not the agent that's looking at that as it 24 comes in; that's the person in the mail room?</p> <p>25 A. Yes. The person in the mail room is who is</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes. I mean, there is different titles but, 2 like I said, I don't know what their titles would be. 3 But, yes, it would be someone in the mail room doing 4 those functions.</p> <p>5 Q. Okay. And that person in the mail room, once 6 it's sorted and imaged, then it goes to a particular 7 agent?</p> <p>8 A. It goes through another sorting process.</p> <p>9 Q. Okay. And --</p> <p>10 A. So that sorter would have visibility of all the 11 documents that were received in that bundle and then 12 sort from there. And then at that point, it would just 13 be sent to have Exhibit 3 sent.</p> <p>14 Q. Okay. And is the person -- so you've got the 15 person in the mail room who opens and images it?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. That then goes to a sorting -- or what 18 did you describe? What's the second step it goes to?</p> <p>19 A. The mail room agent opens it, sorts it. Images 20 is the next step. And then it goes through another 21 sorting process.</p> <p>22 Q. Okay. And that next sorting process, is that 23 where the decision is made to send Exhibit 3?</p> <p>24 A. The decision made as far as looking at all the 25 information, that's where it's double-checked. So</p>

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<p>1 there's an agent that's sorting the mail -- physical 2 mail. And then once it's imaged, it goes through a 3 double-check system.</p> <p>4 Q. Okay. And what's the double-check?</p> <p>5 A. Where that sorter is looking at all the 6 envelopes and information around it, again, to see if 7 the first agent found that there was instances where it 8 had the exact same information appearing to be from a 9 consumer, but appears to be a third party.</p> <p>10 Q. Okay. And then do factors -- to make that 11 third-party determination, are factors whether or not it 12 was -- return address was handwritten?</p> <p>13 A. I've seen handwritten. I've seen typed. They 14 just look for similarities.</p> <p>15 Q. Okay. So look for similarities in handwriting 16 if it's handwritten?</p> <p>17 A. No, sir. They're not going to be comparing 18 signatures. What the agents are trained to do is look 19 at the bundle of mail that was received and -- what I've 20 actually seen myself is where you can pick up a bundle 21 and flip through it and the handwriting is similar -- 22 we're not comparing signatures, but just looks similar 23 -- or the font of the envelopes or when you open up the 24 mail, they all look exactly the same.</p> <p>25 Q. Okay. And going back to what we had talked</p>	<p>1 Q. Okay. I'm talking about strictly if somebody 2 said, I want you -- can you make a determination by 3 looking at Experian's document, Exhibit 2, and know 4 whether or not it was a mass mailing?</p> <p>5 A. Looking at Exhibit 2, you can't just look at 6 that and know --</p> <p>7 Q. Okay.</p> <p>8 A. -- that it was a mass mailing or that there was 9 similar envelopes or that it was exactly the same. You 10 would have to look at that at the time or look at the -- 11 what the sorter was seeing. Just stand-alone, 12 Exhibit 2, again, without the envelope information, it's 13 just a simple one-page document. There's no way to 14 determine -- the comparison takes place when we see all 15 of the other envelopes.</p> <p>16 Q. Right. Okay. And without comparing the other 17 envelopes -- you don't have any personal knowledge 18 without comparing all the envelopes whether it was a 19 mass mailing?</p> <p>20 A. I did not look for any kind of documents around 21 this particular document that were imaged, so it's just 22 based on what I've seen before and the training that the 23 agents have.</p> <p>24 Q. Okay.</p> <p>25 A. So beyond that, it would be at the time that</p>
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<p>1 about earlier, that's what you don't know? You don't 2 know whether that was -- it has not been determined from 3 Experian whether Exhibit 2 was part of a mass mailing or 4 not? That hasn't been factually determined by Experian, 5 has it?</p> <p>6 A. Based on my review -- again, also a quality 7 review -- it does appear to be a third-party type of 8 mailing.</p> <p>9 Q. Okay. That's just based on you reviewing the 10 documents, right, that the Jones Day lawyers provided 11 you, correct?</p> <p>12 MR. HANTHORN: Object; misstates the 13 record. The witness was involved in collecting the 14 documents, as she's testified. So, no, we didn't 15 provide her with the documents initially.</p> <p>16 Q. (BY MR. SELBY) The documents that you 17 collected were at the direction of Jones Day, correct?</p> <p>18 A. Yes, that is correct.</p> <p>19 Q. And the documents that Jones Day instructed you 20 to collect, have you made a -- can you make a 21 determination from looking at those documents whether 22 this, in fact, was part of a mass mailing, Exhibit 2?</p> <p>23 A. Just looking at Exhibit 2 and what I've seen in 24 the past as far as a process and what the agents were 25 trained, that's what I know of.</p>	<p>1 we'd receive a piece of mail.</p> <p>2 Q. Okay. So you -- and you just answered my next 3 question. You didn't -- as part of pulling the 4 documents, no one has asked you to pull, nor has it been 5 pulled, any documents to support that it was part of a 6 mass mailing?</p> <p>7 A. Only the fact that it's -- this is Experian's 8 process following the processes of looking at the 9 envelopes, things of that nature. Beyond that, this is 10 what -- the knowledge that I have.</p> <p>11 Q. Okay. And the documents that would be looked 12 at to back up whether or not at the time it was a mass 13 mailing when that determination was made, what would one 14 go look at?</p> <p>15 A. I'm not entirely sure. I know that, through 16 the sorting process, the documents are imaged. There 17 are times when they are in a series. I guess it would 18 depend on how that information is kept. I'm not 19 entirely sure.</p> <p>20 Q. You don't know?</p> <p>21 A. I'm just not entirely sure, sir.</p> <p>22 Q. Okay. If the Court were to order Experian to 23 say, okay, Experian, if your -- part of your testimony 24 is going to be that this Exhibit 2 is a mass mailing, 25 then prove it and provide the documents that would have</p>

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<p>1 been received at that time as Exhibit 2, can you do 2 that?</p> <p>3 MR. HANTHORN: Objection; hypothetical. 4 You may answer.</p> <p>5 A. I'm not entirely sure as far as how the 6 information's kept. I don't know.</p> <p>7 Q. (BY MR. SELBY) Okay. And, obviously, because 8 you don't know, that's not something you looked for?</p> <p>9 A. No, sir. I just -- when we pulled the 10 documents, I reviewed what was in Experian's records.</p> <p>11 Q. Does it make a difference whether something 12 comes certified mail or not?</p> <p>13 A. No, sir.</p> <p>14 Q. That doesn't make a difference as Experian 15 determining whether or not it's a mass mailing?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. Has that always been your testimony?</p> <p>18 MR. HANTHORN: Objection; vague.</p> <p>19 A. I'm not quite sure what you mean by it's always 20 been my testimony.</p> <p>21 Q. (BY MR. SELBY) Have you ever testified before 22 that if something is received certified mail that it 23 would not be evidence of a mass mailing?</p> <p>24 A. That it would not be evidence?</p> <p>25 Q. Yes.</p>	<p>1 of comparison. I'm just looking at the piece of mail. 2 Q. Okay. 3 A. So there's nothing being compared at that time. 4 Q. Okay. As you sit here today, do you know 5 whether or not Exhibit 2 was a mass mailing? 6 A. Based on the information that I was able to 7 review -- and, again, going back to that quality portion 8 of what I know of -- it appears to be a third-party type 9 of letter. 10 Q. Do you know what -- have you read Mr. Collins' 11 deposition testimony? 12 A. I have not. 13 Q. So you weren't aware that he testified that he 14 personally mailed it himself? Were you aware of that? 15 A. I'm just trying to remember if that was a 16 discussion. I'm not quite sure. 17 Q. Okay. Would that make a difference in your 18 opinion? 19 MR. HANTHORN: Let me make sure I 20 understand the question. Are you asking her if the 21 testimony Mr. Collins gave after the lawsuit was started 22 in a deposition would make a difference as to her 23 opinion about what -- 24 MR. SELBY: Exhibit 2. 25 MR. HANTHORN: At the time it --</p>
<p>1 A. No, I have never testified about that. 2 Q. Okay. And have you testified before that when 3 something is received certified mail, it could still be 4 a mass mailing? 5 A. I don't have a specific memory of testifying 6 specifically about that. What the agents are trained to 7 do is look at the envelopes, whether or not there's -- 8 you know, how it's sent in is all looked at at the time. 9 It wouldn't make a difference if it was certified or not 10 certified. We're still looking at the exact same 11 information. So it's a comparison. 12 Q. When you were an agent, did you ever have a 13 situation where it was determined that a large mass 14 mailing was done by certified mail? 15 A. I'm not quite sure what you mean. 16 Q. When you were an agent and you were looking at 17 the things that whoever would have sent Exhibit 3 would 18 have looked at, during your time as an agent, did you 19 ever determine that, hey, this was a mass mailing even 20 though they were all certified mail? 21 A. Whether or not they're certified mail, that's 22 just how the information is sent to Experian. Once 23 Experian receives it, Experian goes through the process 24 where it's comparing it. As a dispute agent, if I'm 25 working the piece of mail, I'm not looking for any kind</p>	<p>1 Page 54</p> <p>1 MR. PHILLIPS: I think he's asking where 2 she contradicts his testimony is what he's asking her. 3 MR. SELBY: Let me just ask it again. 4 MR. HANTHORN: Thanks, Dave. 5 Q. (BY MR. SELBY) Exhibit 2, your opinion as you 6 sit here today, it's a mass mailing, correct? 7 A. That's correct. 8 Q. Okay. 9 A. Looking at the information that I was able to 10 view and the information that's in Experian's records, 11 yes. 12 Q. And would that opinion change if you knew that 13 Mr. Collins has testified under oath that he personally 14 mailed it? 15 A. If Mr. Collins told me or told Experian that he 16 personally mailed it, then I would believe it to be from 17 him. 18 Q. Okay. And were you aware that he told a 19 Jones Day lawyer that he did mail it? 20 A. I'm trying to remember. I'm just not entirely 21 sure of a conversation. 22 Q. But assuming what I'm telling you is correct 23 that he testified that he did mail it, your opinion 24 would change about Exhibit 2? 25 MR. HANTHORN: Objection; asked and</p>

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1 answered. You may answer.	1 received, that's how it appeared.
2 A. Based on the information that you're telling me	2 Q. Okay. And other than what you've told me about
3 today, looking at this letter independently and the	3 the mass mailing, do you know of any other information
4 information you're saying to me that he did mail it, I	4 that Experian had that they were basing the statement
5 would have no other reason to believe otherwise.	5 that they determined that it was not sent by him?
6 However, what Experian has within its documents and the	6 A. I don't have any knowledge of anything else,
7 information that it received at that time, it did appear	7 just the training.
8 to be a third party.	8 Q. Okay. The next sentence says, This could be
9 Q. (BY MR. SELBY) Exhibit 3, with the exception	9 deemed as deceptive or fraudulent use of your
10 of references to Mr. Collins, is this a form letter?	10 information. What does Experian mean by that?
11 A. It is a letter that is sent within Experian's	11 Deceptive or fraudulent use of what information?
12 system. And if the same letter was selected, it would	12 A. We wouldn't know why a third party would be
13 be the exact same information, if that's what you mean.	13 contacting Experian using -- or purporting to be from
14 Q. So it's a letter that the agent simply puts in	14 the consumer. This is more of a warning to the consumer
15 the consumer's name?	15 that we received something that just did not appear to
16 A. Being sent to the consumer, yes, this is the	16 be from them. Due to the sensitive nature of the
17 letter that we sent.	17 information that was received, Experian wants to convey
18 Q. Okay. And as an agent, if you were going to	18 that information.
19 send this letter, what would the agent do? He goes into	19 We have very private information about the
20 the system and looks for -- what's this letter called?	20 address, Social Security number, things of that nature.
21 A. Internal jargon. It would be -- I call it a	21 So it's Experian's position to advise the consumer that
22 paragraph 513 just because I remember the number.	22 we did receive something. We don't know what the reason
23 Q. Paragraph 513?	23 would be. It just appears to be a third party.
24 A. Yeah.	24 Q. So as far as the use of your information, you
25 Q. Okay. Meaning what?	25 don't -- Experian doesn't know. They just -- their
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1 A. That's the -- that's the name of this	1 position is right now it appears to be a third party?
2 particular letter.	2 A. When you say "use of your information," just
3 Q. Okay. And how does it work? The agent can go	3 the fact that we do receive some sensitive information,
4 in and just types into the system the name, selects the	4 Social Security number, things of that nature when we
5 letter and then the system prints this?	5 say "your information."
6 A. The system generates this e-mail to the	6 Q. That's what Experian means by "use of your
7 consumer, yes.	7 information"?
8 Q. Okay. And where does the system get the	8 A. That is correct.
9 consumer's address?	9 Q. Okay. The next sentence says, We have not
10 A. It would be from the envelope or the letter	10 taken any action on this request; meaning, at that
11 itself.	11 point, unless Experian hears further, nothing will be
12 Q. Okay. So they're sending it to the address of	12 done?
13 the letter that they got?	13 A. Just the letter being sent advising the
14 A. That's correct, based on the information	14 consumer we received something third-party.
15 Experian received.	15 Q. Yeah. I mean, once Exhibit 3 is sent, Experian
16 Q. Okay. Now, if you go through the letter,	16 is saying, Unless we hear back from you, we're not doing
17 looking at Exhibit 3, starting at the beginning, We	17 anything?
18 received a suspicious request regarding your personal	18 A. That's correct. We are not -- there's nothing
19 credit information that we have determined was not sent	19 being done as far as --
20 by you. That's what the first sentence says, correct?	20 Q. At that point, Experian isn't going to
21 A. Yes, sir.	21 investigate on its own any further to determine whether
22 Q. Okay. And so at this point, Experian is	22 or not it is, in fact, from that consumer?
23 telling Mr. Collins they've already determined that it	23 A. What Experian does is mail the letter to the
24 was not sent by him?	24 consumer. And based on that, if Experian hears back,
25 A. Yes. Based on the information that Experian	25 then we believe it to be the consumer advising that they

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<p>1 are the ones that are disputing the information.</p> <p>2 Q. But if Experian doesn't receive anything in</p> <p>3 response to Exhibit 3, Experian doesn't do anything on</p> <p>4 their own to determine whether or not it is that</p> <p>5 consumer?</p> <p>6 A. No, sir.</p> <p>7 Q. It goes on to say, Any future request made in</p> <p>8 this manner will not be processed and will not receive a</p> <p>9 response. Explain to me what that means.</p> <p>10 A. This type of letter is a courtesy letter. As</p> <p>11 far as if we were to continue to receive the exact same</p> <p>12 information, just another letter, a courtesy letter</p> <p>13 would not be sent.</p> <p>14 Q. You're calling Exhibit 3 a courtesy letter? Is</p> <p>15 that how you termed it?</p> <p>16 A. That's how I term it, yes.</p> <p>17 Q. Okay. And so the courtesy letter is telling</p> <p>18 the consumer that any future request made in this manner</p> <p>19 will not be processed and will not receive a response.</p> <p>20 What does Experian mean by "made in this manner"?</p> <p>21 A. As far as when the information was received,</p> <p>22 manner being how it was received and appearing to be a</p> <p>23 third party.</p> <p>24 Q. Was -- the manner in which it was received by</p> <p>25 Experian, the next time did it appear to be from a third</p>	<p>1 MR. HANTHORN: The witness may answer, but</p> <p>2 the person who has been designated to discuss systems</p> <p>3 issues is the person who's going to be here later today;</p> <p>4 so this testimony will not bind Experian. Of course,</p> <p>5 you're perfectly -- you may ask the question. I just</p> <p>6 didn't want to have you go down this road, given that</p> <p>7 there's somebody else who will be designated for matters</p> <p>8 of that sort. You may answer.</p> <p>9 A. I'm sorry. I forgot the question. Could you</p> <p>10 repeat that, please?</p> <p>11 Q. (BY MR. SELBY) Why does Experian send</p> <p>12 Exhibit 3 to the same address of a letter that they are</p> <p>13 claiming is suspicious?</p> <p>14 MR. HANTHORN: Same objection. You may</p> <p>15 answer.</p> <p>16 A. Experian's not saying that the address is</p> <p>17 suspicious. Experian is saying that the information</p> <p>18 that was sent and how it was sent is suspicious. As</p> <p>19 long as that address is on file with Experian's records,</p> <p>20 then we will go ahead and send out the letter.</p> <p>21 Q. (BY MR. SELBY) Before sending Exhibit 3, does</p> <p>22 Experian look to see if that address is on file before</p> <p>23 making a determination, hey, should we send Exhibit 3?</p> <p>24 MR. HANTHORN: Same objection. You may</p> <p>25 answer.</p>
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<p>1 party?</p> <p>2 MR. HANTHORN: Objection.</p> <p>3 A. The next time that we found within Experian's</p> <p>4 documents was a letter that enclosed ID and a copy of a</p> <p>5 Social Security card, so Experian believed that to be</p> <p>6 from the consumer.</p> <p>7 Q. (BY MR. SELBY) I think you testified -- I</p> <p>8 mean, the address that's on Exhibit 3, that address was</p> <p>9 obtained from the letter on Exhibit 2 -- or, excuse me,</p> <p>10 from the address on Exhibit 2?</p> <p>11 A. As far as the process, what the agents would do</p> <p>12 is when Experian receives any kind of either disputes or</p> <p>13 we're sending paragraphs, things of that nature, they</p> <p>14 have an ability to go in and make what's called an edit</p> <p>15 to the report itself and generate -- there are</p> <p>16 oftentimes when there is additional information that we</p> <p>17 might not see here. For instance, we have the third, so</p> <p>18 that could have been something that was given to</p> <p>19 Experian on a previous disclosure. That information is</p> <p>20 not removed when it's sent again. So, I mean, there</p> <p>21 might be differences. But, yes, the -- the address</p> <p>22 itself does come from the letter.</p> <p>23 Q. Okay. Why does Experian mail a letter</p> <p>24 regarding suspicious activity back to the same address</p> <p>25 that they believe they got suspicious activity from?</p>	<p>1 A. I believe so. I know that the agents are</p> <p>2 trained to look at -- actually what happens is once the</p> <p>3 agents edit the information and process the letter, the</p> <p>4 agents would get a pop-up that shows that the address is</p> <p>5 not on file. And in that case, if they get a pop-up,</p> <p>6 they might do something different. I'm just not</p> <p>7 entirely sure if this particular letter would be</p> <p>8 generated or not.</p> <p>9 Q. (BY MR. SELBY) When you were an agent, if you</p> <p>10 got Exhibit 2 and it was coming to you under the process</p> <p>11 prior to getting to you of the auspices of being a mass</p> <p>12 mailing and then you go do Exhibit 3 and you pull it up</p> <p>13 and it's got the same address, does that change your</p> <p>14 mind of whether to send Exhibit 3 or not, as an agent</p> <p>15 when you were doing it?</p> <p>16 A. I -- as an agent, I did not process things like</p> <p>17 Exhibit 3, so I don't have that personal knowledge of</p> <p>18 processing that.</p> <p>19 Q. Okay. So as an agent, you never handled</p> <p>20 sending letters like Exhibit 3?</p> <p>21 A. No.</p> <p>22 Q. So your only experience with Exhibit 3 is in</p> <p>23 your position now?</p> <p>24 A. No, sir. Also, as a quality auditor, I did</p> <p>25 check that kind of information during that position.</p>

<p style="text-align: right;">Page 65</p> <p>1 Q. Okay. As a quality auditor in checking that 2 kind of information, would it make a difference 3 before -- would it make a difference to you in auditing 4 that of whether an agent should have sent Exhibit 3 if 5 the same address matched what you had in your system?</p> <p>6 MR. HANTHORN: Dave, can I have a 7 continuing objection to this line so that I don't have 8 to keep objecting to the form?</p> <p>9 MR. SELBY: Yeah. And I'm just asking -- 10 this is now her personal knowledge.</p> <p>11 MR. HANTHORN: I understand that. And 12 it's clear that you are. But I don't want to have to 13 keep --</p> <p>14 MR. SELBY: That's fine.</p> <p>15 MR. HANTHORN: You may answer.</p> <p>16 A. As far as the address being on file, that 17 information is not looked at when determining if it's 18 sent by a third party.</p> <p>19 Q. (BY MR. SELBY) Okay.</p> <p>20 A. So having the consumer's address would just be 21 something that would be there as the address we can 22 convey information to.</p> <p>23 Q. Okay. The next sentence says, Suspicious -- 24 and I'm on Exhibit 3 still -- Suspicious requests are 25 taken seriously and reviewed by Experian's security</p>	<p style="text-align: right;">Page 67</p> <p>1 party and, in Experian's estimation, that's deemed as 2 suspicious, is that reported to law enforcement 3 officials?</p> <p>4 A. This is basically saying that Experian will 5 cooperate with law enforcement officials. There would 6 have to be a reason for that kind of activity.</p> <p>7 Q. Would -- the fact of a letter's deemed 8 suspicious as being from a third party, would that 9 trigger Experian contacting law enforcement officials?</p> <p>10 A. All the information is looked at. So whether 11 or not Experian would receive information, either 12 fraudulent documents, things of that nature, there are 13 times when Experian does participate when contacted by 14 law enforcement. Beyond that, I just wouldn't be privy 15 to specifics.</p> <p>16 Q. Okay. But would just the simple fact of it 17 coming from a -- if it was -- if it was determined -- 18 let me ask it this way: If it was determined to be from 19 a third party, does Experian report that fact alone to 20 law enforcement?</p> <p>21 A. On an individual basis, I do not believe so.</p> <p>22 Q. Okay.</p> <p>23 A. If there's any other research, I wouldn't know 24 of it.</p> <p>25 Q. And then it goes on to say, "to law enforcement</p>
<p style="text-align: right;">Page 66</p> <p>1 personnel who will report deceptive activity, including 2 copies of letters deemed as suspicious to law 3 enforcement officials and to state or federal regulatory 4 agencies.</p> <p>5 Who currently is in charge of security 6 personnel at Experian?</p> <p>7 A. Tim Puckett.</p> <p>8 Q. Tim Puckett?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. And have you spoken with Tim Puckett 11 about anything to do with Curtis Collins?</p> <p>12 A. No.</p> <p>13 Q. Based on your review of the file and the 14 documents, did anybody ever report anything to 15 Experian's security personnel regarding Curtis Collins?</p> <p>16 A. No.</p> <p>17 Q. Based on your review of the documents for 18 Curtis Collins, was it ever determined that there was 19 any deceptive activity?</p> <p>20 A. No.</p> <p>21 Q. Was it ever determined that there were copies 22 of letters deemed as suspicious?</p> <p>23 A. Only the fact that it appeared -- the letter 24 appeared to be a third party. Other than that, no.</p> <p>25 Q. And if a letter appears to be from a third</p>	<p style="text-align: right;">Page 68</p> <p>1 officials," and it says, "to state and federal 2 regulatory agencies." What is Experian referring to 3 when they say a state agency? What state agency are 4 they referring to?</p> <p>5 A. I'm not entirely sure. I know that for federal 6 regulatory agencies, it would be more of like the FTC. 7 Beyond that, I'm just not exactly sure who that contact 8 would be out of state. I don't know.</p> <p>9 Q. Okay. And federal regulatory agencies, you're 10 saying that it would be the Federal Trade Commission?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. In your position now, do you deal at all 13 with the Federal Trade Commission?</p> <p>14 A. No, sir.</p> <p>15 Q. Have you ever had any conversations with 16 anybody at the Federal Trade Commission since you've 17 been employed at Experian?</p> <p>18 A. No, sir.</p> <p>19 Q. In your present position, have you referred to 20 any Federal Trade Commission opinions or regulatory 21 documents?</p> <p>22 A. I believe in interrogatories there might be a 23 commentary. I'm not entirely sure.</p> <p>24 Q. Other than what is in some interrogatories, 25 have you, yourself, referred to any Federal Trade</p>

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<p>1 Commission regulations or opinions for purposes of your 2 job?</p> <p>3 MR. HANTHORN: You mean directly referred 4 to them as opposed to directly read the opinion or the 5 reg, correct?</p> <p>6 Q. (BY MR. SELBY) Have you ever read them?</p> <p>7 A. Not in its entirety.</p> <p>8 Q. Other than what the attorneys may suggest you 9 read, have you ever read any of the Federal Trade 10 Commission regulations?</p> <p>11 A. Not in its entirety. I don't --</p> <p>12 Q. I'm not -- I'm not asking in its entirety, but, 13 I mean, have you ever read any of the Federal Trade 14 Commission regulations that would relate to what you do 15 outside of your attorneys instructing you to?</p> <p>16 A. What I'm familiar with is policies and 17 procedures that were designed through Experian's legal 18 counsel. Beyond that, I just would not have reason to 19 read any form of law. I'm not an attorney.</p> <p>20 Q. So beyond what they've told you, you wouldn't 21 have any reason to read it?</p> <p>22 MR. HANTHORN: Asked and answered.</p> <p>23 A. I just wouldn't remember if there's a 24 particular time -- I just -- I don't know.</p> <p>25 Q. (BY MR. SELBY) Okay. In your present</p>	<p>1 A. Based on what I know today from what I've been 2 told by you that Exhibit 2 was mailed by Mr. Collins at 3 that time that Experian received it, looking at the 4 information that was received, there was not an Experian 5 agent that read into anything within that letter.</p> <p>6 Q. What do you mean, "read anything into that 7 letter"?</p> <p>8 A. There was not a particular agent reading this 9 letter. It was a comparison to see if this was from a 10 third party in generating Exhibit 3. There's not a 11 particular agent that would be reading anything within 12 this letter.</p> <p>13 Q. So no one at Experian would read the substance 14 of the letter before sending Exhibit 3?</p> <p>15 A. No, sir.</p> <p>16 Q. And is that the standard procedure at Experian?</p> <p>17 A. Yes, sir. Based on the information that I know 18 of, it would be looking at how the information was sent 19 to Experian and looking at the information itself as far 20 as comparison to format, but not reading the letter 21 itself.</p> <p>22 Q. And in Exhibit 3, it's telling the consumer -- 23 it says, You can write to us at the address on your 24 Experian personal credit report. And it goes on to say, 25 Be sure to include all of the following. Why is it</p>
<p>1 position, what is the federal act that you deal with on 2 a -- what's the overriding federal act that you have to 3 deal with?</p> <p>4 A. I'm not sure what you mean by "act."</p> <p>5 Q. Were there any particular federal legislation 6 by what it's termed that you deal with in your position 7 now?</p> <p>8 A. Again, I'm not entirely sure on what you mean. 9 As far as any regulations or any laws that we abide by, 10 that would be determined from Experian's counsel. What 11 I have knowledge of would be Experian's policies and 12 procedures.</p> <p>13 Q. Now, on Exhibit 3, it also -- it tells 14 Mr. Collins -- it says, If you believe your information 15 in your personal credit report is inaccurate or 16 incomplete, please call us at the phone number that 17 displays on your Experian personal credit report or 18 visit our secure Web site, and it gives an address 19 there. It says, You also may write to us at the address 20 on your Experian personal credit report.</p> <p>21 Now, where it says, If you believe the 22 information in your personal credit report is inaccurate 23 or incomplete, on the first letter, Exhibit 2, that's 24 what Mr. Collins was saying, is that right, that he 25 believed that his personal credit report was inaccurate?</p>	<p>1 asking for all this information?</p> <p>2 A. As far as the ID information, in order for 3 Experian to access the consumer's report, we do need 4 specific ID information.</p> <p>5 Q. And is this information to also verify whether 6 or not the information was sent by the consumer?</p> <p>7 A. That's not always the case. We do have the 8 situation where we have the letter that appeared to be 9 from a third party that has all of the identifying 10 information. So as far as the identifying information, 11 it would be how Experian would access to file itself.</p> <p>12 Q. Well, Exhibit 3 tells them we -- it's telling 13 the consumer, We got a suspicious request regarding your 14 personal credit information that we have determined was 15 not sent by you, correct? They're telling them that in 16 Exhibit 3?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And they're telling them, Hey, here's 19 what we need, and they're saying, We need -- you need to 20 include all the following: Full name, and it goes on. 21 We'll read that into the record in a second. But it's 22 asking for certain information, correct?</p> <p>23 A. Certain ID information, that's correct, sir.</p> <p>24 Q. Okay. And the purpose of asking for that ID 25 information is because Experian's telling them we've</p>

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1 gotten a suspicious request, according to Experian? 2 A. No, sir. We're not asking for the ID 3 information because we had a suspicious request from a 4 third party. What Experian's asking in order to process 5 the dispute is to send the proper ID in order for 6 Experian to access the report. 7 Q. Okay. Let's just go through it. It says, Be 8 sure to include all of the following. And, first of 9 all, it says, Your full name, including middle initial 10 and generation, such as Jr., Sr., II or III, correct? 11 A. Yes. 12 Q. Okay. The next says to include Social Security 13 number; is that right? 14 A. Yes, it does say Social Security number. 15 Q. And it says to include your current mailing 16 address, correct? 17 A. Yes, it says mailing address. 18 Q. Okay. It says to include your date of birth, 19 correct? 20 A. Yes, it has date of birth. 21 Q. And previous addresses for the past two years, 22 correct? 23 A. Yes. That's what it says. 24 Q. Okay. And your testimony is that's just for ID 25 information purposes?	1 item? 2 A. I'm not sure what you mean. 3 Q. How do you get that -- how does somebody get 4 that number? Where would Mr. Collins have gotten that 5 number from? 6 A. It could be from an Experian report. 7 Q. Is that number going to be anywhere other than 8 on an Experian report? 9 A. If a third party pulled Mr. Collins' report and 10 Mr. Collins saw that, it would be there. Other than 11 that, possibly through the company itself. I wouldn't 12 know. 13 Q. Through what company? 14 A. Through Equable or any other company itself. 15 MR. HANTHORN: And just so we'll know what 16 we mean when we read this later, that's Equable Ascent 17 Financial, the company referenced in the letter, Dave. 18 Q. (BY MR. SELBY) In Exhibit 3, the last full 19 paragraph says, Include the account name and number for 20 any item on your credit report that you wish to dispute 21 and state the specific reason why you feel the 22 information is inaccurate. Is that what it says? 23 A. Yes, sir. 24 Q. Okay. Was that information included in the 25 first letter that Experian received from Mr. Collins?
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1 A. Absolutely. 2 Q. Okay. So the information that you would get 3 back from the consumer in response to Exhibit 3, all 4 this information here would be nothing other than for 5 just ID purposes? 6 A. That's correct, in order to access the report 7 itself. 8 Q. It -- 9 A. Experian would not need all that information. 10 A consumer can just add the report number that they 11 previously received and we can access the report, as 12 long as it just did not appear to be from a third party. 13 So that's the information -- the ID information is what 14 we would look for in order to access the report. 15 Q. The first letter that was sent by Mr. Collins, 16 Exhibit 2, when you talk about the report number, is 17 that the same thing as the account number? 18 A. No, sir. 19 Q. Okay. So the account number is different than 20 the report number? 21 A. Yes. 22 Q. Okay. What is the account number? 23 A. An account number is going to reference to an 24 actual trade item on the report. 25 Q. How would somebody get an account number trade	1 A. And, again, going back to Exhibit Number 2, at 2 the time that Experian received it, it did not appear to 3 be sent by Mr. Collins, but a third party. In looking 4 at the letter today in Exhibit 2, it does have that 5 information. 6 Q. The next sentence says, We will ask the data 7 furnisher to review their records and verify the 8 information. And who is the data furnisher in this 9 situation? 10 A. Well, in any situation, even in this one, 11 Equable would be the company that's supporting the 12 information. So if the consumer gave a specific name, 13 that's the company -- the source of the information we 14 would contact. 15 Q. Did Experian ever contact the data furnisher to 16 review their records to verify the information prior to 17 sending Exhibit 3? 18 A. Exhibit 2 appeared to be a third party. So, 19 no, there was nothing sent to that company. 20 Q. If you look at the bottom on Exhibit 3, do you 21 know what these numbers mean at the bottom? Do they 22 have any kind of meaning to you, starting out with 23 000394? 24 A. That's the consumer's personal identification 25 number.

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<p>1 Q. Is that personal only to that consumer?</p> <p>2 A. Yes. It would be that consumer's personal</p> <p>3 identification number.</p> <p>4 Q. Okay. Is Experian the only one that would have</p> <p>5 that information?</p> <p>6 A. It's something that is just in Experian's</p> <p>7 records.</p> <p>8 Q. Okay. And what's that -- what's that number</p> <p>9 used for?</p> <p>10 A. My general knowledge of that would be a</p> <p>11 consumer is assigned a personal identification number</p> <p>12 that would associate with just that consumer. On a</p> <p>13 system level, I don't have that kind of knowledge.</p> <p>14 Q. Is that number on the credit report anywhere?</p> <p>15 A. And just to be clear, when we say credit</p> <p>16 report, I'm thinking of a third party. Otherwise, are</p> <p>17 we talking about a disclosure?</p> <p>18 Q. Either one.</p> <p>19 A. I don't have copies of any credit reports that</p> <p>20 were accessed by a third party. What I would have</p> <p>21 within Experian's records would be disclosures.</p> <p>22 Q. Is that on the disclosures?</p> <p>23 A. Yes. It would be on the -- yes, sir.</p> <p>24 Q. Okay. And that's the same for any consumer?</p> <p>25 It's not just limited to Mr. Collins?</p>	<p>1 (Exhibit Number 4 was marked)</p> <p>2 Q. Let me show you Exhibit 4 and ask you if</p> <p>3 that -- is Exhibit 4 what Experian received from</p> <p>4 Mr. Collins in response to Exhibit 3?</p> <p>5 A. What I can tell you, it is after Exhibit 3</p> <p>6 being sent. And Exhibit 4 shows a letter disputing</p> <p>7 information. I can't tell you if that was generated</p> <p>8 because of Exhibit 3 or not.</p> <p>9 Q. If it was not generated in response to</p> <p>10 Exhibit 3, would it matter?</p> <p>11 MR. HANTHORN: Objection. You may answer.</p> <p>12 A. I'm just not entirely sure on the reasons for</p> <p>13 receiving letters if I'm not that consumer myself. So I</p> <p>14 don't know what would trigger a letter. What I can tell</p> <p>15 you is, based on the information within Experian's</p> <p>16 records, that Exhibit 4 came after Exhibit 3 was sent to</p> <p>17 the consumer.</p> <p>18 Q. (BY MR. SELBY) Okay. Does Exhibit 4 answer</p> <p>19 any of the questions raised in Exhibit 3?</p> <p>20 A. It's not referencing Exhibit 3. It's not</p> <p>21 exactly answering the fact that there was something</p> <p>22 sent. What I can tell you is what Exhibit 4 says and is</p> <p>23 disputing information; and that's all the information we</p> <p>24 have at this time.</p> <p>25 MR. HANTHORN: Well, go ahead and look at</p>
<p style="text-align: center;">Page 78</p> <p>1 A. That's correct.</p> <p>2 Q. And the same with Exhibit 3? If a letter like</p> <p>3 this is mailed to a consumer, it's -- that number -- the</p> <p>4 personal ID number is placed on that letter?</p> <p>5 A. Again, on a system kind of level, I don't have</p> <p>6 that kind of knowledge. What I know of would be that's</p> <p>7 the personal identification number for a consumer.</p> <p>8 Beyond that, I just don't have specific knowledge of it</p> <p>9 generating there.</p> <p>10 Q. Okay. What's the other number, starting with</p> <p>11 the letter L?</p> <p>12 A. I don't know.</p> <p>13 Q. Looking at the top of Exhibit 3 it says, Report</p> <p>14 date, August 9th, 2010.</p> <p>15 A. Yes, sir.</p> <p>16 Q. What is that referring to?</p> <p>17 A. That's referring to the date that this</p> <p>18 particular letter was generated.</p> <p>19 MR. HANTHORN: Exhibit 3?</p> <p>20 THE WITNESS: I'm sorry. Exhibit 3, yeah.</p> <p>21 Sorry.</p> <p>22 Q. (BY MR. SELBY) That's the date that Exhibit 3</p> <p>23 was -- that's the date of Exhibit 3, of when it was</p> <p>24 sent?</p> <p>25 A. When it was sent, that's correct.</p>	<p style="text-align: center;">Page 80</p> <p>1 the second page, too.</p> <p>2 A. Including the driver's license and Social</p> <p>3 Security card that were included within this particular</p> <p>4 document as well.</p> <p>5 MR. HANTHORN: And just as an objection,</p> <p>6 there is a full copy -- so the objection is under the</p> <p>7 rule of completeness -- that is three pages that has</p> <p>8 been provided by Experian. And, Dave, the only</p> <p>9 difference is I think it includes the envelope. I mean,</p> <p>10 it's the same thing as these two that you're giving us,</p> <p>11 which came from Mr. Collins. Ours have Bates numbers on</p> <p>12 them and they show the envelope that it came from.</p> <p>13 MR. SELBY: Yeah. And, in fact, I'll be</p> <p>14 glad -- and we can just do it for the record, if we want</p> <p>15 to stipulate that y'all can substitute --</p> <p>16 MR. HANTHORN: I don't want to substitute.</p> <p>17 I want it to be clear what was in front of the witness.</p> <p>18 But --</p> <p>19 MR. SELBY: Okay. You don't want to</p> <p>20 substitute it?</p> <p>21 MR. HANTHORN: No, because the witness did</p> <p>22 not have that in front of her when she was testifying.</p> <p>23 She had what you provided her. If you want to add it at</p> <p>24 the end, that's fine, too, and we'll point out that it</p> <p>25 refers to it. But, no, I don't want to make it look</p>

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1 like the witness had something in front of her she 2 didn't. 3 THE WITNESS: Can we take a break? 4 MR. HANTHORN: Yeah. Is that okay? 5 MR. SELBY: Yeah. That's fine. 6 (Recess from 11:24 to 11:31) 7 (Exhibit Number 5 was marked)	1 to make sure we capture everything. 2 Q. And then dispute cycle, what does that mean? 3 A. The dispute cycle is going to house the 4 disclosure number that was generated that's used within 5 the D/R log. So we have 2552331067, which shows the 6 report number that was used to access the file on that 7 date. 8 Q. And then number of disputes says 001. Does 9 that mean that's the number of disputes from this 10 consumer? 11 A. This is going -- the D/R log houses the 12 information that is captured from this particular 13 contact or dispute itself on 9/3/2010. So based off of 14 this particular contact, there is one ACDV being sent. 15 If there was anything else, any other kind of disputes, 16 it would just follow the process of a numbering system.
11 MR. SELBY: Exhibit 5 also, for the 12 record, is Bates stamped Experian's Document 509. 13 A. Exhibit 5 is a -- what's called a D/R log 14 showing if there's any kind of communication with either 15 the data furnisher or the consumer, and it would be 16 logged in this form. 17 Q. (BY MR. SELBY) Okay. This is showing if 18 there's any communication between, in this situation, 19 Equable and the consumer? 20 MR. HANTHORN: Objection; misstates what 21 the witness said. 22 Q. (BY MR. SELBY) Say it again. I thought that's 23 what you said. 24 A. As far as the -- this particular document is 25 going to house any kind of communication either by an	17 Q. Okay. I'm not sure I followed you there. So 18 when it says, "Number of disputes," and it says, "001," 19 is what you're saying is it will always show 1 when you 20 run this report because the report's done for each 21 dispute, the log report? 22 A. And when you say "dispute," what I'm looking 23 at, this information, there could be name variation 24 disputes, there could be address disputes or things of 25 that nature that could make that 1 be 2, 3, 4 and 5.
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1 ACDV or information that's being generated to the 2 consumer. So it's also going to house any kind of 3 letters or things like that that are mailed from 4 Experian's system to the consumer. 5 Q. Okay. 6 A. Along -- there's usually another part that goes 7 with this, which would be the disclosure log, that would 8 also house more information as far as communications 9 with the consumer. 10 Q. And if you just go through this, the D/R log 11 report requesting agent, that's who would request the 12 report? 13 A. Yes. TX030406 is myself. 14 Q. Okay. And when did you request the report? 15 What date do you look at to see the date? Is that the 16 report date? 17 A. There is a report date. I don't know if 18 that's -- it just shows 3/17 on this particular 19 document. And it would be at direction of counsel to 20 print this kind of report. 21 Q. Okay. The end date, what is that? 22 A. I'm not entirely sure. I'm not entirely sure. 23 Q. Okay. Begin date, what is that, over to the 24 left? 25 A. It's just a date that I've always put in just	1 It's just going to house the 9/3/2010 contact and the 2 number of requests, changes or ACDVs that were being 3 generated at that time. 4 Q. So then the "Disputes Completed" means what? 5 A. That that cycle was closed. 6 Q. And when was it closed? As of when, according 7 to this? 8 A. According to this document, we have a CDF 9 generated on 9/9/2010. 10 Q. Okay. And was it closed on that date or the 11 dispute completed on that date, according to Experian? 12 A. According to this information, yes. 13 Q. Is that, in fact, correct? 14 A. On the CDF itself would be 9/9/2010, and I 15 believe that I did see that same date on the other 16 documents. 17 Q. And then the date that the CDF is due is 18 9/30/2010. What's that for? 19 A. The 30-day cycle starts when the dispute date 20 is sent. So the dispute would be closed and updates 21 changed or deleted if we did not receive a response back 22 from Equable. So we would have until 9/30/2010 to 23 receive a response. 24 Q. Go on down where it uses the word "Purge" and 25 it has a date of 12/13/2015. What does that mean? What

<p style="text-align: right;">Page 85</p> <p>1 is it purging?</p> <p>2 A. It would be based on the information that was 3 reported by Equable. So it would be purging from an 4 original delinquency date.</p> <p>5 Q. Why is it 12/13/2015?</p> <p>6 A. I'm not entirely sure the actual reason for 7 that. I would have to look within Equable's -- what's 8 reported by Equable. Just looking at it based on this 9 document, it's just a -- this is a purge date that 10 Experian would use, but we also look in the account 11 itself where that information's coming from. By looking 12 at this today, it would be something reported by 13 Equable.</p> <p>14 Q. So you're saying based on the information that 15 Experian has from Equable is the reason it's not going 16 to be purged until 12/13/2015?</p> <p>17 A. Equable would give Experian an original 18 delinquency date. Based off of that information, that's 19 where that purge would come from.</p> <p>20 Q. Why would an original delinquency date matter, 21 given the information that's in the log report about the 22 fact that he won a judgment against Equable?</p> <p>23 A. The only reason why that's there is because 24 it's something that's displayed on a consumer's file 25 just for their information.</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Okay. Is it a hard delete or a soft delete?</p> <p>2 A. What Experian does is add a -- it's called a 3 soft delete. So it captures everything that was 4 reported to Experian so that that information -- 5 specific information does not come back to file again.</p> <p>6 Q. So what's the difference between a soft delete 7 and a hard delete?</p> <p>8 A. On a system level, I really don't have that 9 kind of information. What I do know of would be 10 something that we would have as far as a soft delete 11 flag. It would be visible just to Experian, but not to 12 the consumer or a third party, and it's just to make 13 sure that the information does not come back to file. 14 Anything else I just would not have knowledge of.</p> <p>15 MR. HANTHORN: And that's once it's been 16 determined to delete something as opposed to purge.</p> <p>17 Q. (BY MR. SELBY) So does a soft delete 18 completely remove the trade line within Experian's own 19 records, the dispute trade line?</p> <p>20 A. I don't know if it ever completely goes away. 21 My understanding is it's visible to Experian only, and 22 that's to make sure that that very specific information 23 does not come back to file. Beyond that, on a system 24 level, I just would not know.</p> <p>25 Q. And when you say to make sure it wouldn't come</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. For whose information?</p> <p>2 A. A consumer's information.</p> <p>3 Q. The purge date is for the consumer information?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. And what is Experian -- what information 6 is Experian giving the consumer?</p> <p>7 A. On the consumer report itself, I'm not sure 8 that that's the exact same terminology, but it would 9 show that that would be a date that this particular 10 account would come off the file.</p> <p>11 Q. So this particular account, this Equable Ascent 12 Financial won't come off his file until 12/13/2015?</p> <p>13 A. I believe Equable, post-litigation, did delete 14 the account, so it's not there right now. But based on 15 the information that was reported by Equable, that's the 16 date that it would be purging.</p> <p>17 Q. Well, other than what was reported by Equable, 18 what did Experian do on their own to determine whether 19 or not the file should be purged at the same time it's 20 deleted -- the trade line is deleted?</p> <p>21 A. I want to make sure that I'm clear on that. 22 This is generated on 9/3 -- or that date is generated on 23 9/3/2010. It's a snapshot of what that account looked 24 like. Right now, there would be no purge of 12/13/2015 25 because it is deleted.</p>	<p style="text-align: right;">Page 88</p> <p>1 back to file, explain to me why a soft delete, in 2 keeping the information, would ensure that it doesn't 3 come back to file?</p> <p>4 A. What specific information that the system looks 5 at is not information that I would have knowledge of. I 6 can just tell you what the soft delete that I would use 7 for my day-to-day job duties.</p> <p>8 Q. When would you do a hard delete in your 9 day-to-day job duties?</p> <p>10 A. I don't know. It's not part of my job duties. 11 I have no idea --</p> <p>12 Q. You don't know?</p> <p>13 A. -- of that process.</p> <p>14 Q. You don't know?</p> <p>15 A. No.</p> <p>16 Q. At any position you've ever had at Experian, 17 would you be the agent or individual -- well, would -- 18 in your position as an agent, would you have been the 19 one putting in information whether or not something was 20 a soft delete or a hard delete?</p> <p>21 A. My understanding is we soft delete with an 22 exclusion code. I heard the word "hard delete." It's 23 just not something I would have specific system 24 knowledge of.</p> <p>25 Q. So your experience, then, is that Experian, for</p>

<p style="text-align: right;">Page 89</p> <p>1 purposes of deleting, only has a soft delete?</p> <p>2 MR. HANTHORN: Objection. She said she's 3 heard the term, so it exists. She said she didn't use 4 it. So you're mischaracterizing what she just said.</p> <p>5 Q. (BY MR. SELBY) Okay. Let me make sure I 6 understand what you're saying, then. Is there such a 7 thing as a hard delete?</p> <p>8 A. On a system level I've heard the term, but I 9 don't -- it's not something that I would even have 10 knowledge of. I've just heard the term.</p> <p>11 Q. Okay. You've heard the term, but do you know 12 whether hard delete is used by Experian?</p> <p>13 A. I don't know on a system level. I just don't 14 have that knowledge, sir.</p> <p>15 Q. Okay. In your experience in the position 16 you're in now and all the depositions you've given, have 17 you ever had a case where it's anything other than a 18 soft delete where a trade line is disputed?</p> <p>19 A. When I think of a hard delete, I think that I 20 just don't see that information within Experian's 21 records. Beyond that, I don't know of a specific 22 deposition where that came up. I just don't know.</p> <p>23 Q. Okay. You don't know the situation where a 24 hard delete came up or you don't know a situation 25 where -- well, explain to me what you mean by that, a</p>	<p style="text-align: right;">Page 91</p> <p>1 MR. SELBY: I didn't see that one. I was 2 looking at the one that's "AU."</p> <p>3 MR. HANTHORN: Okay. Hold on. Let me 4 find the one you're looking at.</p> <p>5 MR. PHILLIPS: Middle of the page.</p> <p>6 MR. HANTHORN: Got it. She's there.</p> <p>7 Q. (BY MR. SELBY) Okay. That is the agent who 8 did what? When you look at this log report and somebody 9 says, okay, whoever this agent is that's identified as 10 AU000001, what did they do in the history of this?</p> <p>11 A. Received the response from Equable. Received 12 the ACDV response.</p> <p>13 Q. Okay. And then would that person who's 14 identified -- that agent that's identified by that ID 15 number, are they the ones that would have made the 16 decision to hard delete or soft delete?</p> <p>17 A. There's no decision being made. My 18 understanding, there's no hard delete that happens 19 through the reinvestigation process.</p> <p>20 Q. Okay.</p> <p>21 A. Anything related to a hard delete is just 22 not -- it's more of a system thing, and I would not have 23 knowledge of that, sir.</p> <p>24 Q. But would this agent have been the one to enter 25 the soft delete?</p>
<p style="text-align: right;">Page 90</p> <p>1 situation where it came up.</p> <p>2 A. As far as a hard delete, my understanding of it 3 just means that Experian can't see it, that if I was to 4 pull up an admin report, it wouldn't be there. Beyond 5 that, I don't have that system knowledge to know if 6 that's what happened, things of that nature, and I don't 7 know of a specific time when it did. I just wouldn't 8 have knowledge of that. I have knowledge of the soft 9 delete and how I see that information.</p> <p>10 MR. HANTHORN: David, it's your 11 deposition. Use your time as you wish. But you are 12 getting into system areas. To the extent you want that, 13 there's a witness who's prepared to testify on a more 14 system-wide basis.</p> <p>15 MR. SELBY: Yeah. The only reason -- I 16 mean, she --</p> <p>17 MR. HANTHORN: That's fine.</p> <p>18 MR. SELBY: I mean, she testified that 19 she's the one who ran the report, so that's the reason 20 I'm asking.</p> <p>21 MR. HANTHORN: Okay.</p> <p>22 Q. (BY MR. SELBY) The agent ID on here that's 23 about halfway down --</p> <p>24 MR. HANTHORN: Is that the one that begins 25 "PB"?</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yeah. On the response side -- if there was a 2 deletion happening, it would be on the response side.</p> <p>3 MR. HANTHORN: And just to be clear, you 4 know, David, that no soft delete is reflected as having 5 been entered by this document. I don't think you meant 6 to mislead the witness, but --</p> <p>7 MR. PHILLIPS: Well, just let her testify 8 to that.</p> <p>9 MR. HANTHORN: I did, and she did. I just 10 wanted to make sure that your colleague wasn't confused 11 about where we were.</p> <p>12 MR. PHILLIPS: I didn't -- honestly, I 13 didn't hear her testify to that.</p> <p>14 MR. SELBY: I didn't either.</p> <p>15 MR. HANTHORN: Okay.</p> <p>16 Q. (BY MR. SELBY) Do you understand what he's -- 17 what your attorney is saying?</p> <p>18 A. Yes, sir. If there was a delete, we would see 19 that in the response section, down here in the response 20 area.</p> <p>21 Q. If there was a delete?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Okay. So what does it mean when it says, 24 Update data equals soft delete?</p> <p>25 A. Any time that we have this type of dispute</p>

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<p>1 reason, "Consumer states inaccurate info. Provide 2 complete ID," what that is going to capture not only 3 a status dispute, but also an ownership dispute, which 4 makes this -- and if you look right above that soft 5 delete is a D. So if we did not get the ACDV back from 6 Equable, Experian would have deleted the account and t 7 would have applied that soft delete.</p> <p>8 Q. The D you're referring to is the D that's in 9 the parenthetical, big capital D, and then after it, it 10 has, Equable Ascent sued me for this debt in Jefferson 11 County, Alabama, and I won?</p> <p>12 A. Yes, sir.</p> <p>13 (Exhibit Number 6 was marked)</p> <p>14 Q. Let me show you what's marked Exhibit 6 and ask 15 you to identify that, please.</p> <p>16 A. Sure. This is the investigation results 17 prepared for Mr. Collins, generated on September 9th, 18 2010, with report number 2252-3310-67.</p> <p>19 Q. Okay. And this report was generated as a 20 result of what?</p> <p>21 A. As a result of Mr. Collins contacting Experian, 22 disputing the Equable Ascent Financial.</p> <p>23 Q. Okay. And prior to Experian issuing this 24 report, Exhibit 6, what did they do for purposes of 25 completing their investigation?</p>	<p>1 delinquency date of 3/13/2009, collection account 93 and 2 type 48 was requesting the change as well.</p> <p>3 Q. Okay. So when Experian sent Exhibit 6, the 4 information that Equable had provided to them, had 5 Equable confirmed what the consumer was saying?</p> <p>6 A. As far as what Equable does on their side, I 7 just would not have knowledge of that. What I can tell 8 you is, based on the information Experian received 9 through the ACDV process, they did verify the 10 information to be reported accurately as of 9/9/2010 and 11 requested certain information to be updated as well.</p> <p>12 Q. Okay. Point out to me, if you will, on 13 Exhibit 5 how you -- where it's showing on here that 14 Equable is confirming what the consumer has disputed.</p> <p>15 A. As far as the code that's used, it would be on 16 an ACDV itself. What I can tell you based off of this 17 information, that Equable does participate in the 18 dispute process per their subscriber agreement. And 19 being on the response side, it would be on the ACDV 20 where it would show the information that they are 21 verifying to Experian. This just shows the printout for 22 the system, Exhibit 5.</p> <p>23 Q. Okay. So --</p> <p>24 MR. HANTHORN: And I object. Dave, make 25 sure you guys are using the term verify the same way</p>
<p style="text-align: center;">Page 94</p> <p>1 A. I'm sorry. I didn't understand your question.</p> <p>2 Q. Prior to issuing this report, what did Experian 3 do in the way of investigating?</p> <p>4 A. What Experian does is start the reinvestigation 5 process, and part of that process would be contacting 6 the source of the information. So looking at Exhibit 5, 7 Experian sent an ACDV to Equable and asked them to 8 verify all information regarding that particular 9 account, as well as the status and the ownership 10 encompassing that particular dispute as well.</p> <p>11 Q. Okay. And what information did Experian 12 receive from Equable prior to the date of Exhibit 6?</p> <p>13 A. It would be the information on Exhibit 5, on 14 the response. 9/9/2010, it would be that data within 15 that response.</p> <p>16 Q. Okay. And you're talking about where it says, 17 Response Date?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. So what -- by looking at this, what 20 information is this showing that Experian received from 21 Equable?</p> <p>22 A. It is showing some update information. It is 23 showing, it looks like, some balance information, past 24 due information being updated, 2,318, it looks like some 25 other dates of 9/9/2010 as a payment level date, a</p>	<p style="text-align: center;">Page 96</p> <p>1 because your question indicated that you might not be. 2 And, again, I'll let the witness testify, but I think 3 you may be about to sail past each other.</p> <p>4 Q. (BY MR. SELBY) Is there -- the information on 5 Exhibit 5, is there anything, by looking at Exhibit 5, 6 that you can determine what Equable's position as it 7 relates to Mr. Collins' dispute?</p> <p>8 A. Based on the -- like I said, the ACDV itself, 9 it does have more information about specific codes that 10 they told for Experian. But generally looking at 11 Exhibit 5, what I can tell you is they're stating to 12 Experian to keep the data, not delete it, and update 13 certain other data elements.</p> <p>14 Q. Okay. So when Experian got this -- had this 15 where Equable is telling Experian to keep the data and 16 not delete it, what then did Experian do?</p> <p>17 A. Based on the information, again, that would be 18 on the ACDV, Experian goes through a process where we're 19 looking to see if the information matches. So we -- 20 since we have a situation where we're asking them to 21 check all ID, we're looking at that information as well 22 and then -- as well as the response itself. Once the 23 information matches, then we will go ahead and make the 24 update.</p> <p>25 Q. Okay. When you say the information matches and</p>

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<p>1 you'll go ahead and make the update, what information is 2 matching?</p> <p>3 A. It would be on the ACDV. It would be the name 4 information, whatever they have within their records 5 that they're telling Experian is accurate.</p> <p>6 Q. But not the dispute information? Just the 7 name>ID information; is that what you're saying?</p> <p>8 A. We look at all the information, but also the -- 9 since this was also an ownership type, we also look at 10 the ID in order to keep the data.</p> <p>11 Q. Okay. Did Experian at any time attempt to 12 verify what the consumer was telling them, outside of 13 asking for the information from Equable?</p> <p>14 A. When you say "verify," my understanding is 15 Experian's position was to start the reinvestigation 16 process. Outside of having anything to use to make an 17 independent decision, Equable is the company that's 18 reported the information to Experian, so that's the 19 place that would have more knowledge about that account; 20 and that's the source that Experian used in this case.</p> <p>21 Q. Well, the consumer would also have knowledge 22 about his own account, correct?</p> <p>23 A. According to the letter, yes, we did get 24 information about that account.</p> <p>25 Q. Okay. And what did -- Equable is saying not to</p>	<p>1 there is no extra documents to use to make any phone 2 calls to a court, to do anything of that nature. There 3 was no documents to use, independent of contacting the 4 reporting source. So Experian contacted the company 5 that has knowledge about that particular account 6 themselves since they're reporting it to Experian. 7 Outside of that, Experian did not contact anybody else.</p> <p>8 Q. Well, Mr. Collins provided the information to 9 contact the court, didn't he, to Experian?</p> <p>10 MR. HANTHORN: You're holding on to 11 Exhibit 4 where he does not, but I think maybe you meant 12 to point to Exhibit 2. But it's up to you, Dave. But 13 the one you're touching doesn't --</p> <p>14 MR. PHILLIPS: Well, actually, he does 15 provide it in Exhibit 4. It gives the information of 16 the case number and the account number to call the 17 court. It doesn't have the actual phone number --</p> <p>18 MR. HANTHORN: Okay.</p> <p>19 MR. McCARTHY: -- but it does give 20 information.</p> <p>21 MR. HANTHORN: My mistake, David. I 22 thought you were trying to point to the phone number.</p> <p>23 Q. (BY MR. SELBY) Mr. Collins provided the 24 information to Experian of where they could verify what 25 he was saying, correct?</p>
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<p>1 delete the account. The consumer is saying to delete 2 it. Did Experian do anything, outside of just asking 3 Equable whether they agreed or not?</p> <p>4 A. Experian did not receive any kind of 5 documentation they can use independently, so it did rely 6 on the source of the information to verify.</p> <p>7 Q. Other than -- and when you say "the source," 8 you're meaning Equable, correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. Other than the source of the 11 information, Experian does not go outside of the source 12 to verify information on a consumer dispute?</p> <p>13 A. There are times when Experian does use 14 documents that is sent. Beyond that, if nothing is 15 sent, then we do ask the company that's reporting the 16 information to verify their own records.</p> <p>17 Q. Okay. Let me maybe ask it a different way. 18 Does Experian -- would Experian -- for instance, in this 19 situation, would Experian, on their own, investigate 20 whether or not -- call the court, obtain copies of the 21 judgment to find out whether Equable's correct or 22 Mr. Collins is correct? Would they do that on their 23 own?</p> <p>24 A. It would depend on what's received. Each and 25 every time would be different. This particular time,</p>	<p>1 A. Can I look at Exhibit 4?</p> <p>2 Q. And 2.</p> <p>3 A. Okay. Within Exhibit 4, Mr. Collins does state 4 the name of the account, the account number and the 5 reason for the dispute.</p> <p>6 Q. Did Experian take any of the information that's 7 in Exhibit 2 or Exhibit 4 and contact anybody other than 8 Equable?</p> <p>9 A. Exhibit 2 would be what Experian believed to be 10 a third party. There was nobody reading that document 11 to be contacting Equable.</p> <p>12 Q. Well, wait. Wait. Let me stop you there. 13 That's at the time -- I mean, once they got Exhibit 4, 14 okay -- I mean, they don't just -- you don't do away 15 with Exhibit 2, do you?</p> <p>16 A. I'm not sure what you mean by "do away."</p> <p>17 Q. Well, I mean, Exhibit 2 is in your file, 18 correct?</p> <p>19 A. They're -- it's not kept in a manilla file. 20 It's kept within Experian's records.</p> <p>21 Q. Okay. Let me make sure I understand. So 22 you're saying you get --</p> <p>23 MR. SELBY: Pardon me. Let me reach and 24 make sure I got it right.</p> <p>25 MR. HANTHORN: Yeah.</p>

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<p>1 Q. (BY MR. SELBY) You get Exhibit 4. Okay? And 2 that's in response to Experian asking for him to verify 3 who he is, correct?</p> <p>4 A. Again, I don't know if that's what triggered 5 it, but this is what was sent. Exhibit 4 was sent after 6 Exhibit 3.</p> <p>7 Q. Okay. Exhibit 4 was sent after Exhibit 3, 8 correct?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Okay. And then once Experian got Exhibit 4, 11 was it -- Experian at that time now knows that it is 12 Curtis Collins, correct?</p> <p>13 A. In this particular contact, we believe it to be 14 Mr. Collins, yes.</p> <p>15 Q. Okay. So he's disputing this particular trade 16 line, correct, with Equable Ascent?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. And in Exhibit 4, he provides 19 information about the court judgment, correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. He also provided information in 22 Exhibit 2; did he not?</p> <p>23 MR. PHILLIPS: Same letter.</p> <p>24 A. At the time that Experian received Exhibit 2 -- 25 and these are looked at independently -- there is no</p>	<p>1 out of. However, at the time that these are processed, 2 it's on an individual basis. So there's -- the person 3 that's working Exhibit 4 is not looking at Exhibit 2.</p> <p>4 There are times when we do receive 5 something where a consumer says, Hey, I sent something 6 in. Can you take a look at that, and it will give us a 7 reason to go back. Outside of that, we're believing 8 this is all the information that's being disputed at 9 that time.</p> <p>10 Q. So let's assume that a consumer sends in 11 Exhibit 4 asking for more information and they say, Hey, 12 here's my driver's license, here's my Social Security 13 card, everything you're asking for on my ID, and 14 Experian determines -- and that's all they provide. And 15 they say, Here's all the information you've asked for, 16 ID information, but they don't say anything in there 17 about the dispute, other than referencing the fact that 18 they've disputed it prior.</p> <p>19 MR. HANTHORN: Do you have the 20 hypothetical he's giving you in mind?</p> <p>21 Q. (BY MR. SELBY) In other words -- 22 MR. PHILLIPS: It's the one she just gave 23 him.</p> <p>24 MR. SELBY: Yeah.</p> <p>25 Q. (BY MR. SELBY) You get Exhibit 4, okay, and it</p>
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<p>1 reference in this Exhibit 4 to go look for any other 2 contacts. They're -- the agent's looking at them 3 independently. There's not a system file for all --</p> <p>4 Q. (BY MR. SELBY) Okay.</p> <p>5 A. -- of the disputes that --</p> <p>6 Q. Okay.</p> <p>7 A. -- Experian receives.</p> <p>8 Q. So Experian -- I mean, the system and your 9 procedure, once you get Exhibit 4 and it's verified, 10 there's -- the agent doesn't go back and look at what 11 information was provided by the consumer prior to that?</p> <p>12 A. Only if the consumer is stating, I previously 13 provided something or even knowledge of that.</p> <p>14 Q. Okay.</p> <p>15 A. We would not know --</p> <p>16 Q. Okay. Well, is Exhibit 2 in the file, in the 17 consumer's file?</p> <p>18 A. There's not a consumer file within the system. 19 All --</p> <p>20 Q. Is Exhibit 2 in the system?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And the agent that's looking at 23 Exhibit 4 can pull up on the system Exhibit 2?</p> <p>24 A. It's housed within Experian's records and it's 25 housed within the same system that Exhibit 4 would work</p>	<p>1 doesn't have anything in here other than, Hey, enclosed 2 is my driver's license, my Social Security card, all the 3 ID information Experian is saying you don't have to 4 verify me, and he adds -- that consumer adds in there, 5 By the way, for purposes of this dispute, see my prior 6 letter. Is that agent going to have the ability to look 7 at the prior letter?</p> <p>8 A. Yes.</p> <p>9 Q. And they would in that instance?</p> <p>10 A. If there was a particular -- if the consumer 11 stated that, I've previously sent something; take a look 12 at that. We'd need direction from the consumer. 13 Otherwise, we'd believe that everything within that 14 particular document is what's being disputed at that 15 time.</p> <p>16 Q. Okay. So Experian has to have direction from 17 the consumer in that document before Experian will look 18 at their other documents?</p> <p>19 A. The Experian agent just would not have any 20 knowledge of any other contacts, so the Experian agent 21 is reading what's sent at that time.</p> <p>22 Q. Well, the Experian agent is going to know that 23 Exhibit 3 was sent, aren't they?</p> <p>24 A. Exhibit 3?</p> <p>25 MR. HANTHORN: Here's Exhibit -- yeah.</p>

<p style="text-align: center;">Page 105</p> <p>1 Q. (BY MR. SELBY) Yeah.</p> <p>2 MR. HANTHORN: And you mean the agent</p> <p>3 who's looking at 4 or do you mean 3 at the time 3 is</p> <p>4 sent?</p> <p>5 MR. SELBY: I mean the agent looking at</p> <p>6 Exhibit 4.</p> <p>7 A. The agent who's looking at Exhibit 4 would not</p> <p>8 readily see this kind of information. It's kept within</p> <p>9 the disclosure log. Similar to the D/R log, it's kind</p> <p>10 of what goes with it. So this being generated -- the</p> <p>11 August 9th, 2010 Exhibit 3 being generated would be on a</p> <p>12 disclosure log where all the ID is kept. How the agent</p> <p>13 works the file, looking into the file itself would not</p> <p>14 readily look at that kind of information.</p> <p>15 Q. (BY MR. SELBY) Why not?</p> <p>16 A. Because a consumer -- because the agent is</p> <p>17 actually in the file itself looking for the accounts</p> <p>18 being disputed.</p> <p>19 Q. I thought you said there wasn't a file.</p> <p>20 A. Okay. And I -- when I say "file," I mean</p> <p>21 something similar to if you're looking at an admin</p> <p>22 report. On the admin report, it's going to house what</p> <p>23 that file, which -- disclosure -- the information that's</p> <p>24 on the disclosure would look like at that time. Paper</p> <p>25 mail, how that's sent in, is not kept in the same kind</p>	<p style="text-align: center;">Page 107</p> <p>1 a whole or is that just what happened in just</p> <p>2 Mr. Collins' case?</p> <p>3 MR. HANTHORN: Same objection. You may</p> <p>4 answer.</p> <p>5 A. That's just how -- how the dispute process as</p> <p>6 far as how we're receiving mail and process a piece of</p> <p>7 mail.</p> <p>8 Q. (BY MR. SELBY) That's just how Experian's</p> <p>9 dispute process works?</p> <p>10 MR. HANTHORN: Same objection. You may</p> <p>11 answer.</p> <p>12 A. Yes, sir.</p> <p>13 Q. (BY MR. SELBY) This report, Exhibit 6, is the</p> <p>14 result of Experian's reinvestigation, correct?</p> <p>15 A. Yes. The reinvestigation for Equable.</p> <p>16 Q. Okay. And the results of that reinvestigation</p> <p>17 are under the heading Results?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And then above that it's got, How to</p> <p>20 read your results, correct?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. And so when Mr. Collins or a consumer in</p> <p>23 Mr. Collins' position gets this reinvestigation report,</p> <p>24 it's telling him the result is what?</p> <p>25 A. It shows the outcome as reviewed.</p>
<p style="text-align: center;">Page 106</p> <p>1 of system.</p> <p>2 Q. Well, what you're referring to is that file,</p> <p>3 which you just described. Exhibit 2 is not in there?</p> <p>4 A. Exhibit 2 would be in Experian's imaging</p> <p>5 system.</p> <p>6 Q. But the person who's looking at Exhibit 4, you</p> <p>7 would agree with me, has no way of knowing about</p> <p>8 Exhibit 2?</p> <p>9 A. No, sir.</p> <p>10 Q. And that's not just limited to Mr. Collins, is</p> <p>11 it? I mean, that's the way the system is set up? That</p> <p>12 wasn't for just Mr. Collins' file?</p> <p>13 MR. HANTHORN: Understanding, again, that</p> <p>14 since you're now going beyond Mr. Collins, there's a</p> <p>15 different witness who has been designated as to that.</p> <p>16 But you may answer.</p> <p>17 A. As far as what's being viewed at the moment</p> <p>18 that Experian receives that piece of mail, we're reading</p> <p>19 the piece of mail and they also have our system where</p> <p>20 we're processing the disputes. They're two different</p> <p>21 systems. So the agent is looking for what's being</p> <p>22 disputed, but this is housed separately. It's housed in</p> <p>23 a different kind of imaging system. And each document,</p> <p>24 each letter is looked at individually.</p> <p>25 Q. (BY MR. SELBY) And is that the way it works as</p>	<p style="text-align: center;">Page 108</p> <p>1 Q. Okay. So to know if -- when a consumer gets</p> <p>2 this and he says, okay, the result of my dispute and</p> <p>3 Experian's reinvestigation is reviewed, he's going to go</p> <p>4 up and look at the definition for reviewed, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And it says that, This item was either</p> <p>7 updated or deleted; review this report to learn its</p> <p>8 outcome.</p> <p>9 Okay. Does this report state the outcome?</p> <p>10 A. Only the "Reviewed" is what's given. It does</p> <p>11 not have any other information.</p> <p>12 Q. Okay. It doesn't tell the consumer whether it</p> <p>13 was updated or deleted, does it?</p> <p>14 A. It only says "Reviewed" as the credit items are</p> <p>15 listed.</p> <p>16 Q. Okay. It doesn't say that -- it doesn't make</p> <p>17 the consumer aware of whether or not the trade line was</p> <p>18 deleted, correct?</p> <p>19 A. No. It just says "Reviewed."</p> <p>20 Q. So looking at Exhibit 6, there's no way for</p> <p>21 Mr. Collins to know whether the trade line that he</p> <p>22 disputed had been deleted?</p> <p>23 A. There is an opportunity for consumers to view</p> <p>24 the information online. Right below the "Reviewed" is</p> <p>25 the "Visit Experian.com/status" to check the status of</p>

<p style="text-align: right;">Page 109</p> <p>1 your pending disputes at any time. So that is given, as 2 well as to the right we do have more information for a 3 consumer to request a full copy of the report itself as 4 well. So that information is given as well.</p> <p>5 Q. Okay. But on this report generated by 6 Experian, is there any way -- without going beyond 7 what's on the report for Mr. Collins or any consumer -- 8 to know, if the outcome is reviewed, whether or not it 9 was updated or deleted?</p> <p>10 A. In this particular instance, no.</p> <p>11 Q. Okay. And when you say "this particular 12 instance," I mean, Experian didn't just pick out 13 Mr. Collins, did they? I mean, when it's got his report 14 on here and it says, Outcome reviewed, and it doesn't 15 tell him whether it was updated or deleted on the 16 report, did they do that just to Mr. Collins?</p> <p>17 A. Based on the information that I was able to 18 view as far as what was on the response from Equable, 19 just had not seen that kind of response before where the 20 type change itself was changed. So whether or not it 21 was just Mr. Collins, it's possible. I don't know that.</p> <p>22 Q. So it's possible that they did this just to 23 Mr. Collins on this report?</p> <p>24 A. Looking at Exhibit 5, we see that there is a 25 type change. And a type of an account is given to</p>	<p style="text-align: right;">Page 111</p> <p>1 haven't seen it before either. But I'm asking: Did you 2 do anything to determine whether it has happened to 3 other people before?</p> <p>4 A. No, sir.</p> <p>5 Q. Okay. Now --</p> <p>6 MR. HANTHORN: Which one are you looking 7 at? I'm sorry. What exhibit is that?</p> <p>8 MR. SELBY: Exhibit 6.</p> <p>9 MR. HANTHORN: Thank you.</p> <p>10 Q. (BY MR. SELBY) On Exhibit 6, How to read your 11 results, and it's got Deleted, Remains, Updated and 12 Reviewed, this is a form investigation results report, 13 correct?</p> <p>14 A. Yes. This would be sent at the end of the 15 reinvestigation process for the investigation results.</p> <p>16 Q. Okay. And on each consumer's results, it's 17 going to say -- under Outcome, it's either going to say 18 one of those four things, correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. And are those four categories still used 21 by Experian today, the Deleted, Remains, Updated, 22 Reviewed?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. And were they being used prior to the 25 time Mr. Collins received this report?</p>
<p style="text-align: right;">Page 110</p> <p>1 Experian at the time that the information is loaded into 2 Experian's database. So very important information like 3 the name of the account, the account number, information 4 about that particular account typically does not change. 5 So when we have a situation where 6 Exhibit 5 shows the type 48 being changed from factoring 7 company, then it just seems to be some sort of glitch of 8 some sort to not populate the results on the other side. 9 Q. In your position that you hold now, have you 10 made a determination of whether or not this glitch was 11 isolated just to Mr. Collins? 12 A. I had never seen that type of response before. 13 Q. But have you made an investigation to determine 14 whether or not this glitch was limited to Mr. Collins? 15 A. I'm not quite sure what you mean, sir. 16 Q. Okay. I'm using your words. You said it was a 17 glitch, right? 18 A. And I'm not a system expert, so that's how I 19 understand it to be. 20 Q. Okay. Have you determined whether or not this 21 glitch was done just to Mr. Collins or did it happen to 22 other consumers? 23 A. I just have never seen it before, so I -- there 24 was no independent -- 25 Q. Well, I know you've never seen it before. I</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes, sir. 2 Q. From your -- based on your personal knowledge 3 since the time you've been at Experian, have those same 4 four categories been used on reinvestigation reports? 5 A. I believe so. But if it was ever changed, I 6 just wouldn't remember that kind of information. 7 Q. Okay. And when you were talking about the 8 glitch on Mr. Collins, what is it that was the glitch? 9 A. According to what I'm able to view when looking 10 at Exhibit 5, minus the ACDV -- I don't have that in 11 front of me today -- I do see the type change of 48; and 12 that's a very important piece of information in order to 13 populate the account to be displayable to the consumer 14 as far as the results. So looking at just that type 15 change, it appears to be some sort of glitch that did 16 not trigger the population of the results on page 2. 17 MR. HANTHORN: Page 2 of Exhibit 6? 18 MR. SELBY: Right. 19 Q. (BY MR. SELBY) So the -- if you look at 20 Exhibit 5 -- I tell you what. Let's do this. Just put 21 an orange highlight where you're talking about the 22 glitch was. 23 A. (Witness complies) 24 Q. Okay. And you've highlighted where it says, 25 Type 48?</p>

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1 A. Yes, sir.	1 guess, from the standpoint of IT or whoever it may be
2 Q. Okay. When you say "didn't populate," what	2 and said, Hey, I was looking at this, what is Exhibit 6,
3 does 48 mean for type?	3 and it appears to me that something got left off. Can
4 A. Collection account.	4 you explain to me what could have happened?
5 Q. Okay. So putting that in there, putting 48 in	5 MR. HANTHORN: I will object at this
6 there, is that the glitch, that somebody put the 48 in	6 point. There was an investigation that the witness was
7 there wrong? I don't know that I follow. Explain to me	7 on a phone call of, but that was my investigation and
8 more what the -- I don't understand what kept this from	8 Sean's investigation. She did not initiate it. She's
9 so to speak, populating.	9 aware of it. And I would instruct her not to answer
10 A. As far as the response from Equable, typically	10 based upon work product.
11 what we would see is all the other data elements being	11 THE WITNESS: Can I go to the restroom?
12 changed. We would have balance information changing,	12 MR. SELBY: Yeah. Let's take a break.
13 things of that nature.	13 (Recess from 12:21 to 12:37)
14 Equable told Experian to change from	14 Q. (BY MR. SELBY) This glitch that you
15 factoring company to type 48. So those are two	15 referenced, when did you discover that?
16 completely different types of accounts. So that's the	16 A. Any kind of research would be at direction of
17 big change that happened on the response side, and that	17 counsel.
18 was given by Equable on 9/9/2010.	18 MR. HANTHORN: Okay. Let me interject --
19 Q. But -- okay. But the type 48 here would have	19 thank you for -- and I'm sorry, I should have jumped in
20 nothing to do with putting the outcome as being	20 quicker.
21 reviewed?	21 Discovering the type thing she obviously
22 A. I don't know what the system looks at as far as	22 noticed at the time, but noticing that that had
23 what triggers a review. I do know that this is not	23 something to do with what --
24 typical, that type of type change.	24 MR. SELBY: Well, she had said that.
25 Q. Okay. Is this report, Exhibit 6, in the form	25 MR. HANTHORN: I'm sorry. Then I
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1 that it's sitting here right now, typical?	1 apologize. But having -- recognizing and making the
2 A. No, sir. You would typically see, on the other	2 connection that that had anything to do with not
3 side on Exhibit 6, the actual change itself.	3 populating, that was entirely things that she was not
4 Q. Okay. On page 2 of 2 --	4 doing, but that she was providing input to me on that I
5 A. Yes, sir.	5 was going ahead and finding out through others in
6 Q. -- where it says, This page intentionally left	6 systems.
7 blank?	7 MR. SELBY: Okay. Let me just make sure I
8 A. Yes, sir.	8 understand.
9 Q. Okay. And so where it's got Reviewed and then	9 MR. HANTHORN: Sure.
10 the consumer goes up here and reads Updated or Deleted,	10 MR. SELBY: So in a trial of this case,
11 Review this report to learn its outcome, you're saying	11 what I don't want to happen is that --
12 the "Review this report to learn its outcome" is what	12 MR. HANTHORN: She's not going to come in
13 should be on page 2?	13 and testify that that -- she's not going to suddenly
14 A. Yes, sir.	14 turn into the systems witness.
15 Q. Okay. And you're saying that the reason that	15 MR. SELBY: No, I understand that.
16 what should have been on page 2 was left off is why? Or	16 MR. HANTHORN: Okay.
17 do you know?	17 MR. SELBY: But is it Experian's position
18 A. According to the information I'm able to view,	18 that -- well, let me just ask her because something you
19 Equable gave Experian a change that we typically would	19 said --
20 not see in an ACDV response itself. So we have a type	20 MR. HANTHORN: That's fair.
21 changing of 48. Based on that information, it appears	21 MR. SELBY: -- may answer it.
22 there was some sort of glitch where it did not populate	22 Q. (BY MR. SELBY) When did you learn of it?
23 the actual changes that we can see here in Exhibit 5	23 MR. HANTHORN: The glitch?
24 from displaying on the investigation results.	24 MR. SELBY: Yeah.
25 Q. Okay. Have you gone to anybody at Experian, I	25 Q. (BY MR. SELBY) When did you learn of the

<p style="text-align: right;">Page 117</p> <p>1 glitch?</p> <p>2 A. It was during a phone call with counsel. I 3 don't remember the exact time or date.</p> <p>4 Q. Okay. And --</p> <p>5 MR. HANTHORN: If it helps, Dave, it was 6 well after the lawsuit was filed.</p> <p>7 THE WITNESS: Yes.</p> <p>8 Q. (BY MR. SELBY) And explain to me again, 9 because I just -- I just don't understand the -- kind of 10 take me through the steps of what the glitch is and why 11 the glitch has anything to do with what's not on the 12 report.</p> <p>13 A. I'm sorry. Was that a specific question?</p> <p>14 Q. Yes.</p> <p>15 A. I'm sorry. I didn't hear that whole thing.</p> <p>16 Q. First of all, explain to me, what is the 17 glitch? What are you -- what are you referring to as a 18 glitch?</p> <p>19 A. And since I'm not a systems expert person, my 20 own knowledge as far as what I'm able to view, a type 21 change is a very important key change within what's 22 being reported to Experian. We typically would not have 23 this kind of a change coming back on an ACDV response. 24 When they first -- when Equable first gave the 25 information to Experian, they said they were a factoring</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. (BY MR. SELBY) And do you know whether or 2 not -- is that something that's now been fixed?</p> <p>3 MR. HANTHORN: You're asking her about a 4 subsequent remedial measure. With the understanding 5 that it's a subsequent remedial measure, I will tell you 6 that now, were this to happen tomorrow or today, a full 7 report would print anytime "Reviewed" was what came up. 8 So the same glitch would not occur today.</p> <p>9 MR. SELBY: Got you.</p> <p>10 MR. HANTHORN: And that's way more than I 11 know at a system level. But instead of -- now, anytime 12 it's going to report "Reviewed," it's not going to try 13 to match up with the same account type. It's going to 14 print the full consumer disclosure, which would, 15 therefore, include that.</p> <p>16 Q. (BY MR. SELBY) The report as it appears right 17 now, Exhibit 6, does it violate FCRA?</p> <p>18 MR. HANTHORN: Objection to the extent 19 you're calling for a legal conclusion.</p> <p>20 A. I don't know what would be stipulated in the 21 FCRA. I'm not an attorney. My understanding would 22 be -- to give the outcome beyond that, I just wouldn't 23 know. I'm not an attorney.</p> <p>24 Q. (BY MR. SELBY) You don't have an opinion or 25 position on that?</p>
<p style="text-align: right;">Page 118</p> <p>1 company and that's how the information was given to 2 Experian. On the response side, changing the type 48 3 just triggered a glitch to where the response that we 4 have in Exhibit 5 did not display on page 2 of 5 Exhibit 6.</p> <p>6 Q. Is that -- is the glitch because 48 was 7 entered?</p> <p>8 A. I don't know if that's the -- if it was just 9 because it's 48, but I do know it to be a very important 10 key change of that type of account.</p> <p>11 MR. HANTHORN: If it helps, David, if it 12 had been 48 before and remained 48, it's my 13 understanding there would not have been a glitch. It's 14 the change in the type that is significant. It was that 15 it had been reporting as a factoring company and was now 16 reporting as a debt collection. And the same thing I 17 understand would have happened had it been backwards, if 18 it had originally been reported as a 48 and then changed 19 to whatever the code is for factoring.</p> <p>20 MR. SELBY: So once that change is made is 21 what produces the problem in the report?</p> <p>22 MR. HANTHORN: In the populating on 23 Exhibit 6.</p> <p>24 MR. SELBY: Exhibit 6?</p> <p>25 MR. HANTHORN: Yes, sir.</p>	<p style="text-align: right;">Page 120</p> <p>1 MR. HANTHORN: On the application of the 2 law? You may answer.</p> <p>3 A. I don't know the law to give an application. 4 What I do know is policies and procedures Experian has.</p> <p>5 Q. (BY MR. SELBY) Okay.</p> <p>6 MR. SELBY: Greg, just so I'm clear 7 here --</p> <p>8 MR. HANTHORN: Sure.</p> <p>9 MR. SELBY: -- the next person is a 10 systems person, but is there a --</p> <p>11 MR. HANTHORN: She's not the computer 12 systems person, no.</p> <p>13 MR. SELBY: Is there a 30(b) person that's 14 going to testify as to Experian's positions in their 15 answer?</p> <p>16 MR. HANTHORN: There is not a 30(b) person 17 who is going to testify as to the application of law. 18 There are 30(b) witnesses, including this one and 19 including the next one, who are going to testify as to 20 the procedures, etcetera. But, no, we don't -- we did 21 not designate an attorney.</p> <p>22 MR. SELBY: I'm not -- I'm not asking 23 that. I'm just -- if Experian's position at trial is 24 going to be that this report does not violate the FCRA, 25 then --</p>

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<p>1 MR. HANTHORN: Well, I'll tell you that 2 this is going to be Experian's position at trial based 3 on, among other things, what this witness has already 4 testified to about the two other ways that the results 5 can be found based upon this. There's no hiding the 6 ball on that. But this witness doesn't have to say, And 7 that's why it does not violate the FCRA. She's given 8 the factual predicate.</p> <p>9 MR. SELBY: No. I understand --</p> <p>10 MR. HANTHORN: Okay.</p> <p>11 MR. SELBY: -- clearly what your position 12 is. But what I'm asking, though, is: So there is not 13 going to be a witness on behalf of Experian to give an 14 opinion as to whether or not their report violates the 15 FCRA?</p> <p>16 MR. HANTHORN: There is not going to be a 17 witness under the terms of the protective order or the 18 30(b)(6) to come in here and testify as to the 19 application of law to fact and do what an attorney does. 20 That is correct.</p> <p>21 MR. SELBY: So, no?</p> <p>22 MR. HANTHORN: With the qualifiers that I 23 added, you are correct.</p> <p>24 Q. (BY MR. SELBY) Okay. Going back real quick, 25 Experian on -- and I'm limiting this to Mr. Collins.</p>	<p>1 what I'm asking.</p> <p>2 MR. HANTHORN: Actually, it was kind of 3 responsive. Even Deposition Exhibit 6 is giving 4 information. But go ahead.</p> <p>5 MR. PHILLIPS: That's not what he asked 6 her, though.</p> <p>7 MR. HANTHORN: Well, it was.</p> <p>8 MR. PHILLIPS: He asked her a direct 9 question and she's not answering it.</p> <p>10 MR. HANTHORN: Well, I'm sorry you don't 11 think so.</p> <p>12 Q. (BY MR. SELBY) Did Experian do anything in 13 part of their reinvestigation other than contacting 14 Equable? And if the answer is yes, tell me what. If 15 the answer is no, that's fine.</p> <p>16 A. There's a lot of things that Experian does and 17 not just to contact --</p> <p>18 Q. In this case, did they do anything with 19 Mr. Collins in the reinvestigation other than contacting 20 Equable?</p> <p>21 MR. PHILLIPS: Yes or no.</p> <p>22 Q. (BY MR. SELBY) Yes or no.</p> <p>23 MR. HANTHORN: Wesley, please don't double 24 team me. You don't need to do that.</p> <p>25 MR. PHILLIPS: I'm not.</p>
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<p>1 Okay? Experian did not -- other than making contact 2 with Equable, Experian did not do anything externally to 3 verify the information that Mr. Collins provided?</p> <p>4 A. And I believe I understand your question. What 5 Experian did was contact Equable. Outside of that, 6 Experian did not receive any kind of documents until 7 post-litigation to make any kind of independent change 8 or delete of the account.</p> <p>9 Q. I understand that. But alls I'm asking is: 10 Did Experian do anything -- not what they received, but 11 did Experian themselves do anything other than 12 contacting Equable to verify what Mr. Collins was 13 telling them?</p> <p>14 A. Independent of the reinvestigation process, no, 15 sir.</p> <p>16 Q. Okay. Well, then in the reinvestigation 17 process, did they do anything other than contacting 18 Equable?</p> <p>19 A. Experian did, within the reinvestigation 20 results, state more information to the consumer. The 21 consumer can request, per the FCRA, a request of the 22 description. They can add a statement. So Experian is 23 advising the consumer of their rights within this 24 document as well.</p> <p>25 Q. Okay. Let me ask my question -- that's not</p>	<p>1 MR. HANTHORN: He's doing fine.</p> <p>2 MR. PHILLIPS: I'm helping my colleague.</p> <p>3 MR. HANTHORN: You're telling your 4 client -- your colleague that they need to ask yes or 5 no.</p> <p>6 A. And when we talk about what Experian did, 7 Experian doesn't just generate the ACDV. Experian has 8 procedures once they receive the ACDV and, as well, 9 convey the results to the consumer. So it's not just 10 contacting a company. Experian has also additional 11 steps once we receive the information in order to keep 12 the data.</p> <p>13 Q. (BY MR. SELBY) Who does the ACDV go to?</p> <p>14 A. Equable, in this case.</p> <p>15 Q. Okay. Other than sending the ACDV to Equable, 16 what else did Experian do to investigate Mr. Collins' 17 claim?</p> <p>18 A. It would be Experian's position to start the 19 investigation process. So once Experian received the 20 results back from Equable, Experian matched up the name 21 information and made the requesting updates. They also 22 sent Mr. Collins the investigation results.</p> <p>23 Q. What did they do in the investigation part? I 24 know they sent him results. Okay. We know you 25 contacted Equable. Other than contacting Equable</p>

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<p>1 through the ACDV, what did Experian do to verify whether 2 or not what Mr. Collins was telling them was correct, 3 other than the ACDV?</p> <p>4 A. As far as the obligation of Experian, it would 5 be to start the reinvestigation process. Outside of 6 actually getting a document -- for example, Exhibit 1 -- 7 of getting a document where Experian can make that 8 independent determination, we are contacting the company 9 that has more information about the account itself. So 10 we do contact the reporting source and ask them to check 11 all their records. So whatever's being checked or 12 verified would be on the Equable side. And we ask that 13 Equable report back and tell us what they have within 14 their records, verify if it's accurate, telling us to 15 change it or telling us to delete it.</p> <p>16 Q. Okay. Mr. Collins is telling y'all what 17 Equable -- information Equable has is incorrect, right? 18 That's what he's disputed?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So now you're asking Equable whether or 21 not that information is correct, right?</p> <p>22 A. Yes. We started the process. We're asking 23 them to check all information and included that 24 information in the ACDV.</p> <p>25 Q. Okay. And Mr. Equable (sic) is making Experian</p>	<p>1 What I've been saying, other than 2 contacting Equable, was there any investigation done?</p> <p>3 A. And when you say "investigation," the 4 reinvestigation is what Experian does. And once we 5 receive the response back from the creditor, we also 6 make sure that the information matches up. So not only 7 sending the ACDV, but also receiving it and conveying 8 the results to the consumers is -- that's the entire 9 ACDV process or the reinvestigation process.</p> <p>10 Q. Okay. And the ACDV reinvestigation process, 11 did Equable do anything other than contacting -- did 12 Experian do anything other than contacting Equable?</p> <p>13 A. No. There was no independent --</p> <p>14 Q. Okay. Thank you.</p> <p>15 A. -- documents.</p> <p>16 MR. PHILLIPS: Greg, did y'all find for us 17 a copy of the ACDV?</p> <p>18 MR. HANTHORN: Yes.</p> <p>19 MR. PHILLIPS: Do you know what Bates 20 number that is?</p> <p>21 MR. SELBY: We couldn't find it.</p> <p>22 MR. PHILLIPS: Because we thought it 23 was -- we may be thinking it's the UDF.</p> <p>24 MR. McCARTHY: Well, it's -- off the top 25 of my head, it's 2257, 58-ish.</p>
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<p>1 aware of a court judgment in his favor against Equable, 2 correct?</p> <p>3 MR. HANTHORN: You mean Mr. Collins, 4 perhaps?</p> <p>5 MR. SELBY: Mr. Collins.</p> <p>6 A. Mr. Collins did tell Experian that, and that's 7 what Experian conveyed to Equable.</p> <p>8 Q. (BY MR. SELBY) Okay. And did Experian -- 9 other than conveying exactly what Mr. Collins had told 10 them, did they do anything such as contact the court?</p> <p>11 A. Experian did not contact the court, no.</p> <p>12 Q. Okay. Did they look on any kind of court 13 database to determine whether or not there was, in fact, 14 a judgment, as he had pointed out?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay. Did they do any external investigation 17 whatsoever, other than the ACDV information?</p> <p>18 A. When we talk about external, it's -- Experian's 19 term is external when we are sending the ACDV. In 20 looking at Exhibit 5, if you're going to use the term 21 external, we have a dispute reason that's generated here 22 that says external. So when you're talking about 23 external, it's being outside of Experian. So that's my 24 understanding of the term.</p> <p>25 Q. Okay. Then we won't use that term.</p>	<p>1 MR. PHILLIPS: We may be thinking it's the 2 UDF when it's actually the ACDV.</p> <p>3 MR. HANTHORN: Do you want us to take a 4 break and go see if we can find a copy for you?</p> <p>5 MR. PHILLIPS: Do you want to, David? 6 It's up to you.</p> <p>7 MR. SELBY: Yeah. If we've got it, yeah.</p> <p>8 MR. HANTHORN: It's been produced.</p> <p>9 MR. PHILLIPS: Because we were thinking it 10 had not been introduced.</p> <p>11 MR. HANTHORN: No. It's been produced.</p> <p>12 MR. McCARTHY: It was even used in 13 Mr. Collins' depo. I can go get that for you.</p> <p>14 MR. PHILLIPS: Yeah. Can y'all get us a 15 copy of it?</p> <p>16 MR. McCARTHY: Let's take a break. 17 (Recess from 12:53 to 12:56)</p> <p>18 MR. HANTHORN: Okay. If the record would 19 just reflect that, at counsel's request, we've gone 20 ahead and provided a copy printout of Defendant's 21 Exhibit 10 from the deposition of Curtis Collins with 22 Experian Bates Number 2258 as the ACDV response.</p> <p>23 Can we mark this one just since we have 24 identified it and put it out here, Dave, whether you 25 want to ask questions about it or not?</p>

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<p>1 MR. SELBY: I'm not going to ask questions 2 on it.</p> <p>3 MR. HANTHORN: Do you mind if we mark it, 4 though, just so it reflects --</p> <p>5 MR. SELBY: That's up to you.</p> <p>6 MR. HANTHORN: I'd like to mark it. 7 (Exhibit Number 7 was marked)</p> <p>8 MR. HANTHORN: And you're telling me I can 9 put it aside, Dave? You're not going to ask questions 10 about it, so I can put it aside?</p> <p>11 MR. SELBY: Yeah. I'm not going to ask 12 questions about it. An answer may lead to it, but I 13 don't have any intentions to.</p> <p>14 MR. HANTHORN: So next will be 8?</p> <p>15 MR. SELBY: Next will be 8. 16 (Exhibit Number 8 was marked)</p> <p>17 Q. (BY MR. SELBY) I'll simply ask you to identify 18 what that is. And that's, unfortunately, not Bates 19 stamped, I don't think.</p> <p>20 MR. HANTHORN: It's not?</p> <p>21 MR. SELBY: The next one is.</p> <p>22 MR. HANTHORN: I'm sorry. He actually was 23 talking to you, even though he was a little more silent 24 than he usually is. So the question is: Can you 25 identify Exhibit 8, correct?</p>	<p>1 Collins' name to the left, Experian's logo to the right. 2 I'm just not familiar with the name on the top left and 3 that date. I have not seen that kind of a format as 4 printed. But this is what typically it would look like 5 if something was printed from the Internet.</p> <p>6 Q. (BY MR. SELBY) It is an Experian document, 7 just not one, as you both qualified, produced by 8 Experian?</p> <p>9 A. It appears to be, and that's what it shows to 10 be today.</p> <p>11 Q. Okay. And other than that, you don't recognize 12 what it is?</p> <p>13 A. Just looking at the document, I see that 14 there's a freecreditreport.com log-in. I believe that's 15 a reseller of Experian. Beyond that, it's just not 16 something that I've seen in this exact format. I've 17 seen reports where they have Experian, Equifax and 18 TransUnion. And just Experian I've seen alone, but just 19 not in this particular -- I don't know if it's just new. 20 I just have not seen this particular format before, 21 meaning with Curtis Collins as the consumer's name in 22 the top left. I just have not seen that kind of 23 printout with the consumer's name and "Report As Of." 24 (Exhibit Number 9 was marked.)</p> <p>25 Q. I'll ask you if you will identify what is</p>
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<p>1 MR. SELBY: Correct.</p> <p>2 A. Experian did not produce Exhibit 8, but I do 3 see Experian's logo and it appears to be something that 4 was printed from an Experian Web site regarding Curtis 5 Collins.</p> <p>6 MR. HANTHORN: And just to be clear, 7 produced in the sense of we didn't produce it to you in 8 response to a request for production of documents. This 9 is something that Mr. Collins or perhaps his wife, if 10 I'm remembering --</p> <p>11 MR. PHILLIPS: Yeah.</p> <p>12 MR. HANTHORN: -- the deposition testimony 13 correctly, went on using that address and printed it 14 from their home computer.</p> <p>15 MR. SELBY: Okay. That's not my -- I 16 mean, I'm not -- I didn't ask about all that.</p> <p>17 MR. HANTHORN: No, no, no. I just --</p> <p>18 MR. SELBY: I just asked if she could 19 identify what it is.</p> <p>20 MR. HANTHORN: Sure. That's fine. It was 21 just the word "produced" that scared me. I wanted to 22 make sure we weren't giving you the impression that you 23 thought we had not provided it.</p> <p>24 A. According to the document, it appears there is 25 two trade lines listed. It does appear -- it has Curtis</p>	<p>1 Deposition Exhibit 9, which is Experian Bates stamp 37, 2 and I'll just ask you to identify what that's a page 3 from.</p> <p>4 A. This is page 5 of 6 of a -- I'm sorry, 5 of 16 5 of the report number 2252-3310-67. It appears to be the 6 one that was generated on November 23rd, 2010. And its 7 just showing three accounts listed on a disclosure. 8 (Exhibit Number 10 was marked)</p> <p>9 Q. Okay. I'll ask you to identify what is 10 Deposition Exhibit 10, which is Experian 2257.</p> <p>11 A. This is also an ACDV, but in a different 12 format. This is something pulled directly from e-OSCAR, 13 similar to Exhibit 7. It would have the same exact 14 information, just a different format. And this was done 15 post-litigation.</p> <p>16 Q. Okay. So this would not have been something 17 that was done as part of the reinvestigation process?</p> <p>18 A. It would be done at the direction of counsel 19 when Experian received the lawsuit.</p> <p>20 Q. But not done prior to the lawsuit?</p> <p>21 MR. HANTHORN: Make sure you're on the 22 same page, please. He's -- you're talking about the 23 printing, right?</p> <p>24 A. As far as the action itself was at direction of 25 counsel. Printing was also at -- post-litigation, at</p>

<p style="text-align: right;">Page 133</p> <p>1 the results of the -- the results back from Equable 2 asking to delete the account.</p> <p>3 Q. (BY MR. SELBY) That was at directive of 4 counsel?</p> <p>5 A. Contacting Equable, yes.</p> <p>6 Q. And the deleting of the account was at 7 direction of counsel?</p> <p>8 A. I don't know why Equable requested the deletion 9 of the account. That would be up to Equable, not 10 Experian.</p> <p>11 Q. No. I'm talking about Experian's deletion of 12 the account.</p> <p>13 A. On the response back from Equable, "Response 14 Code 03, Delete Account," they're actually telling 15 Experian themselves to delete the account.</p> <p>16 Q. But Experian's decision to delete the account 17 within Experian's records, when was that decision? Who 18 made that decision? Was that at direction of counsel?</p> <p>19 A. It would just be the ACDV process itself. Once 20 Experian received the delete, Experian will delete the 21 account.</p> <p>22 Q. Under Dispute Code 1, it says 040 and then it 23 says, Account involved in litigation. Provide or 24 confirm complete ID and verify all account information. 25 Who fills that in? Is that Experian or</p>	<p style="text-align: right;">Page 135</p> <p>1 Mr. Collins against Experian? 2 A. I did not actually trigger this particular ACDV 3 to be sent, but I do know that it can be used for 4 either/or. It's just conveying the information about 5 litigation from the company that reported the 6 information to Experian. Also noted, the "Equable 7 Ascent sued and lost in court" is also given within the 8 FCRA Relevant Information.</p> <p>9 Q. But by looking at this, you don't know whether 10 "Account involved in litigation" is referring to 11 either -- you don't know which one it's referring to?</p> <p>12 A. It doesn't have to refer to a particular 13 process or -- it's just conveying some information that 14 Experian received. Beyond that, it's just a code that 15 can be chosen. The additional relevant information 16 section includes more information about what was being 17 disputed.</p> <p>18 Q. Yeah. All I'm asking is not what it has to be, 19 just simply is -- you said the "Account involved in 20 litigation" code 40 can either be referring to the 21 litigation involving Equable or it can be referring to 22 the litigation involving Experian. In this situation, 23 which is it?</p> <p>24 A. It's -- 25 MR. HANTHORN: Or is it both?</p>
<p style="text-align: right;">Page 134</p> <p>1 Equable?</p> <p>2 A. That's Experian.</p> <p>3 Q. Okay. And the 040, is that a code for "Account 4 involved in litigation"?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. And when it refers to the account 7 involved in litigation, it's referring to the Equable 8 account, correct?</p> <p>9 A. I believe it could be either/or, either/or 10 account involved in litigation, meaning the consumer has 11 filed litigation against Experian or the fact that there 12 was litigation involved with that particular account 13 that's being disputed. I believe it can be for 14 either/or.</p> <p>15 Q. Okay. What is it in this case?</p> <p>16 A. It's just the code that was used at that time. 17 Mainly, it's asking for Equable to check -- to confirm 18 all ID and verify the account information. Similar to 19 the one we had sent before, we're asking them not only 20 to check the status of the account information, as well 21 as the ID of the information that they had previously 22 reported to Experian.</p> <p>23 Q. What is it in this case, though, the 040, 24 Account involved in litigation? Is that referring to 25 the Equable account or is it referring to the case by</p>	<p style="text-align: right;">Page 136</p> <p>1 A. Well, it could be both. The agents are trained 2 to -- to use different codes for different reasons. 3 There are times when it could be multiple reasons. But 4 in this particular situation, that's just what was 5 chosen by this agent. And the process itself was for 6 them to check all ID. Included in that is that 7 additional relevant information that explains it 8 further. Beyond that, it's just going to be a dispute 9 code that's a possibility for the agents to choose.</p> <p>10 Q. (BY MR. SELBY) So is this dispute code based 11 on -- where it says, FCRA Relevant Information, based on 12 what you're seeing here, does it appear that the 13 "Account involved in the litigation" is referring to the 14 Equable case and not the Experian lawsuit?</p> <p>15 A. It would be the agent selecting the code first 16 and then adding the relevant information. So the 17 relevant information does not trigger the code. It's 18 just something that we can choose -- the dispute reason 19 we can choose in order to convey information to the 20 reporting source.</p> <p>21 Q. Based on the information that's here where it 22 says, FCRA Relevant Information, Equable Ascent sued and 23 lost in court, and then above it's got the dispute code 24 040, Account involved in litigation, based on looking at 25 that, would it be your determination that that account</p>

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<p>1 involved in litigation is relating to the Equable 2 lawsuit?</p> <p>3 A. I'm not going to be able to guess what was the 4 reason for that particular choice, but I can tell you 5 that through the process where Experian is doing the -- 6 doing the -- sending out the ACDVs, it's an opportunity 7 to convey information that the account was involved in 8 litigation. It could be Experian; and if it was 9 Experian, possibly it would have more information about 10 Experian in the relevant information. I don't know. 11 But this particular one does give more information about 12 Equable in the additional relevant information section. 13 So that information is conveyed as the reason behind the 14 dispute itself.</p> <p>15 Q. So you don't know?</p> <p>16 A. I'm sorry. I don't know what?</p> <p>17 Q. Where the "Account involved in the litigation" 18 040 code is referring to the Equable lawsuit judgment or 19 the case against Experian.</p> <p>20 A. It's just a code that Experian can choose for 21 either/or.</p> <p>22 Q. Do you know which it is?</p> <p>23 A. It's just a code that is sent to Equable and it 24 just says, "Account involved in litigation." The main 25 gist of the dispute itself would be the information</p>	<p>1 looking at the "Date Opened, 9/25/2009," it's going to 2 be a snapshot of what that account looked like at that 3 moment. Below would be if the creditor is making any 4 kind of changes. And since this was a delete, there 5 were no changes made.</p> <p>6 Q. And then you go down to Account Type. And what 7 does that code mean, the 48?</p> <p>8 A. That's the account type that was visible at the 9 time the ACDV itself was generated.</p> <p>10 Q. What is 48?</p> <p>11 A. Collection account.</p> <p>12 Q. And at the very bottom it's got, "Authorized 13 Signature: Nancy Cohen." Is that who would have 14 completed this on behalf of Experian?</p> <p>15 MR. HANTHORN: All the way at the bottom.</p> <p>16 A. No, sir. That would be somebody on behalf of 17 Equable in order to respond to the ACDV itself.</p> <p>18 Q. (BY MR. SELBY) Okay. So is there any 19 information on here that would be filled in by Experian?</p> <p>20 A. Only the account information that's populated 21 at the time the ACDV is sent. So we do have all the ID 22 of the information, we have the account as reported by 23 Equable is all housed within this document, including 24 any kind of dispute reason codes and the relevant 25 information that was given at that time.</p>
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<p>1 typed in the relevant information section.</p> <p>2 Q. So the relevant information section is further 3 information about the 040 "Account involved in 4 litigation" code?</p> <p>5 A. That is correct.</p> <p>6 Q. If you go through it, it's got Account Status 7 and it's got 93, right below FCRA Relevant Information.</p> <p>8 A. Yes, sir.</p> <p>9 Q. What is that? What's that code, 93?</p> <p>10 A. It's status for a collection account.</p> <p>11 Q. What does the 93 mean?</p> <p>12 A. Collection account.</p> <p>13 Q. That's all it means, just collection account?</p> <p>14 A. Each status will have a number that's 15 associated with it, and that particular status is -- or 16 that particular number is a collection account.</p> <p>17 Q. Okay. And then you go across and all that 18 information -- Date Opened, Balance, Amount Past Due, 19 all the way across, Credit Limit, Original Charge-off 20 Amount -- that's all related to that account status; is 21 that right?</p> <p>22 A. Looking at Exhibit 10 in this kind of a format, 23 everything that -- a snapshot of what the account in 24 Experian's records would be housed in the first line. I 25 don't know if you can see it, but it's the -- if you're</p>	<p>1 (Exhibit Number 11 was marked)</p> <p>2 Q. Let me show you what's Deposition Exhibit 11, 3 which is also Experian Bates stamp 59, and it's page 7 4 of 18. I'm going to ask you what that document is from. 5 What is that a page from?</p> <p>6 A. I would have to look at Experian's disclosure 7 log in order to tell you more information about 8 Exhibit 11. What I can tell you on the face of it, it 9 appears to be page 7 of 18 where there's two trades 10 listed that was generated on February 28, 2011, with the 11 report number of -- report number of 3377-7674-78. The 12 reason for this, I would have -- like I said, I would 13 have to look at the disclosure log to find out more 14 information.</p> <p>15 Q. Okay. And not the reason for it, but just what 16 is that document? In Experian's normal course of 17 business, I mean, what is that document?</p> <p>18 MR. HANTHORN: What would the 18-page 19 document be; is that --</p> <p>20 MR. SELBY: Right. That was my question 21 earlier.</p> <p>22 MR. HANTHORN: Sorry.</p> <p>23 A. The 18-page document would be a consumer 24 disclosure that was generated on February 28th, 2011. 25 More information about how it was requested, things of</p>

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<p>1 that nature, I would have to look at Experian's 2 disclosure log that would give me more information. 3 Q. (BY MR. SELBY) Not more information as to know 4 what the document is; just more information about the 5 document?</p> <p>6 A. And the reason for it being requested, sir.</p> <p>7 MR. HANTHORN: But the document is the 8 consumer disclosure form --</p> <p>9 MR. SELBY: Right.</p> <p>10 MR. HANTHORN: -- to Mr. Collins. (Exhibit Number 12 was marked)</p> <p>11 Q. (BY MR. SELBY) I'll ask you to identify what 12 Deposition Exhibit 12 is.</p> <p>13 A. This is the investigation results that was 14 received -- or that was initiated post-litigation at the 15 direction of counsel where we're showing Experian 16 received a response back from Equable and they requested 17 the account to be deleted. That's on March 10th, 2011, 18 report number 3377-7674-78.</p> <p>19 Q. Do you know why that report doesn't have 20 anything on the second page?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Why is that?</p> <p>23 A. Because the account was deleted.</p> <p>24 Q. Okay. So if the account's deleted, it's not</p>	<p>1 A. I do not know. 2 Q. Okay. Is that possible? 3 A. I just don't have that kind of knowledge. I 4 don't know. 5 Q. Okay. Do you know whether -- as we sit here 6 today, when Experian does reinvestigations, do they use 7 the format that's in Exhibit 6 or in Exhibit 12? 8 A. On a system level, I can tell you what's 9 printed here. Beyond that, I just don't have that kind 10 of knowledge, sir. 11 Q. Okay. And that's all I'm asking is what's 12 printed here. I mean, is what they're using that's 13 printed here, Exhibit 12, is that the one used or is 14 Exhibit 6? 15 A. My understanding is what's printed on 16 Exhibit 12 would be the most updated information. 17 Beyond that, what's used, I just don't know that system 18 part of it. 19 Q. Do you know when it was changed from using 20 Exhibit 6 to using the format in Exhibit 12? 21 A. No, sir. 22 MR. SELBY: Greg, for purposes of 23 witnesses, is it -- would this witness -- 24 Q. (BY MR. SELBY) Well, let me ask: Are you 25 familiar with the e-OSCAR system?</p>
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<p>1 going to have anything on the second page, right? 2 A. Yes. That's correct. 3 Q. Okay. And do you know why this report is 4 different in format than Deposition Exhibit 6? And, 5 specifically, the "How to read your results" where it's 6 got -- Deposition Exhibit 6 has four categories, 7 correct? 8 A. Four categories as far as the results, yes. 9 Q. Okay. Deleted, Remains, Updated and Reviewed, 10 correct -- 11 A. Yes, sir. 12 Q. -- is on Exhibit 6? 13 On Exhibit 12, it doesn't have "Reviewed;" 14 is that correct? 15 MR. SELBY: What did you just point to? 16 MR. HANTHORN: I pointed to "Investigated" 17 as the fourth one, assuming that was where you were 18 trying to -- 19 MR. SELBY: No. I just wanted to know if 20 "Reviewed" is on there. 21 A. No, I do not see "Reviewed." And I -- this is 22 actually the first time that I saw that change. 23 Q. (BY MR. SELBY) Do you know -- was that a part 24 of a change in recognizing the glitch with this 25 Exhibit 6?</p>	<p>1 A. Just generally. I'm not a systems person. 2 Q. Would the next person who's going to be 3 testifying, the systems person, be more familiar with 4 e-OSCAR than you are? 5 MR. HANTHORN: Hold on one second. Sorry. 6 Let me give you the short answer to that. 7 I don't see e-OSCAR in the categories, but to the extent 8 that it deals with questions on a system-wide basis -- 9 and if I'm missing it, I apologize. But to the extent 10 it involves things on a system-wide basis, not computer 11 programming, I'm confident the next witness is the 12 person to -- 13 MR. PHILLIPS: Okay. Well, this is a 14 document y'all produced to us. 15 MR. HANTHORN: I understand that. And on 16 a -- and on a system -- yeah, out of -- yes. 17 (Discussion off the record) 18 Q. (BY MR. SELBY) Does Experian set limits on how 19 many disputes an agent has to complete in an hour? 20 A. No. 21 Q. Do they have any kind of time limit on that at 22 all? 23 A. No. 24 Q. So it would be fair to say, then, that agent 25 can take as much time as they need for purposes of a</p>

<p style="text-align: right;">Page 145</p> <p>1 reinvestigation?</p> <p>2 A. In order to get it right.</p> <p>3 Q. Okay. And that agent wouldn't testify -- a</p> <p>4 particular agent on a dispute -- I mean, Experian allows</p> <p>5 the agents to do what they need to do to reinvestigate</p> <p>6 the matter?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And is it Experian's policy to allow an</p> <p>9 agent to go to sources outside of somebody like Equable</p> <p>10 on a trade line dispute, to go to the court or to</p> <p>11 contact people? Are the agents told that they can do</p> <p>12 that?</p> <p>13 A. Depending on what Experian receives at that</p> <p>14 moment, yes. We do phone verifications. Sometimes we</p> <p>15 do call courts. If it's a public record item itself, we</p> <p>16 would send the request through our public record vendor</p> <p>17 to get more information about information that's filed</p> <p>18 at the court. So there's an opportunity -- it really</p> <p>19 depends. Each one would be different.</p> <p>20 Q. So there's actually a public record vendor that</p> <p>21 Experian has at their disposal to verify public record</p> <p>22 information?</p> <p>23 A. When it's disputed by consumers, there's a</p> <p>24 public record information section on the report. And</p> <p>25 when that information is disputed, we do have a public</p>	<p style="text-align: right;">Page 147</p> <p>1 Q. (BY MR. SELBY) Are you familiar with an e-mail</p> <p>2 address coming out of Experian that would just be the</p> <p>3 auto.notification@experian.com?</p> <p>4 A. My understanding would be when consumers</p> <p>5 request the results to be sent to an e-mail address, the</p> <p>6 e-mail address that's given at that time would be used</p> <p>7 in order to send that kind of generated e-mail</p> <p>8 notification. When the results are ready to be viewed</p> <p>9 online, I believe they would click on a link and it</p> <p>10 would take you to Experian's secured Web site to see the</p> <p>11 results of the reinvestigation.</p> <p>12 Q. Are you aware of any other instances where a</p> <p>13 consumer would get that auto notification e-mail, other</p> <p>14 than what you just described?</p> <p>15 A. Not to my knowledge.</p> <p>16 Q. Is it fair to say that Experian is contacted by</p> <p>17 hundreds, if not thousands, of consumers on a weekly</p> <p>18 basis disputing trade lines and information in their</p> <p>19 credit report?</p> <p>20 A. I don't know the exact number, but there are</p> <p>21 quite a few.</p> <p>22 Q. I mean, would it be in the thousands in a week?</p> <p>23 A. I just don't know the number to tell you for</p> <p>24 sure. But I guess it would be different from week to</p> <p>25 week. I'm not sure.</p>
<p style="text-align: right;">Page 146</p> <p>1 record vendor, yes.</p> <p>2 Q. Okay. The public record vendor was not used in</p> <p>3 Mr. Collins' case?</p> <p>4 A. There was not a public record item on his</p> <p>5 report that he was disputing. It was an actual trade</p> <p>6 item account that was being disputed.</p> <p>7 Q. Okay. So when you say "public record," you're</p> <p>8 not -- Experian doesn't look at a court judgment as a</p> <p>9 public record?</p> <p>10 MR. HANTHORN: I think what the witness</p> <p>11 said was with respect to the public records section of</p> <p>12 the report.</p> <p>13 Q. (BY MR. SELBY) Okay. So unless the trade item</p> <p>14 itself is a public record, Experian doesn't use that</p> <p>15 public record vendor -- the public record vendor</p> <p>16 wouldn't be someone being used, for instance, in</p> <p>17 Mr. Collins' case to contact the court?</p> <p>18 A. That's correct.</p> <p>19 MR. HANTHORN: And I know you didn't mean</p> <p>20 to do this, but just because it's hypothetical, just</p> <p>21 because we know it's on there, if he had disputed his</p> <p>22 bankruptcy, which is public record information, that's a</p> <p>23 situation where the public record vendor would have gone</p> <p>24 back to confirm that the bankruptcy that shows up on his</p> <p>25 report in the public record section was correct.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. How many agents does Experian have on staff to</p> <p>2 handle disputes, reinvestigations?</p> <p>3 A. I believe, right around 400-ish, that type of</p> <p>4 number.</p> <p>5 Q. And that's their sole responsibility; is that</p> <p>6 correct?</p> <p>7 A. Yes. These are agents that are trained in</p> <p>8 order to handle both mail and phone disputes.</p> <p>9 Q. Are all 400 of those folks here in the Dallas</p> <p>10 area?</p> <p>11 A. No.</p> <p>12 Q. Where are they all located? Where are the</p> <p>13 different --</p> <p>14 A. As far as location, we do have a National</p> <p>15 Consumer Assistance Center here in Allen, Texas, as well</p> <p>16 as a National Consumer Assistance Center in Chile --</p> <p>17 Santiago, Chile.</p> <p>18 Q. Okay. And the one that's operated in --</p> <p>19 Santiago, you said?</p> <p>20 A. Yes.</p> <p>21 Q. Is that a company owned by Equable -- excuse</p> <p>22 me -- I mean, by Experian?</p> <p>23 MR. HANTHORN: That's not what this</p> <p>24 witness is designated on. I will tell you that</p> <p>25 functionally they're treated as Experian employees.</p>

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<p>1 There may be some ownership issues having to do with 2 Chilean law about what the entity or the structure is, 3 but functionally in terms of how witnesses interact on a 4 day-to-day basis with folks, they're Experian employees. 5 That may not be the technical legal definition under 6 Chilean law.</p> <p>7 Q. (BY MR. SELBY) Is there a way -- I mean, can 8 you tell by looking at, for instance, like, Mr. Collins' 9 report to tell where that particular agent is physically 10 located? Can you look at -- let me back up. Poorly 11 worded.</p> <p>12 When you look at an agent's code, whatever 13 code that agent's given, can you tell by that agent code 14 whether they are located in Allen, Texas or whether 15 they're located in Santiago?</p> <p>16 A. We would have to look at -- look up the actual 17 agent code for the agent ID information.</p> <p>18 Q. Okay. But you could tell by looking up the 19 code ID information?</p> <p>20 A. Yes, sir.</p> <p>21 MR. HANTHORN: Can you get what she's 22 saying? She would figure out who the agent is and then 23 see where that agent physically is.</p> <p>24 MR. SELBY: Right.</p> <p>25 MR. HANTHORN: Okay.</p>	<p>1 that we can retrieve on the response side. The system 2 is doing its thing and then it generates this kind of a 3 change; and then when we access the report, we can see 4 that. What's happening in the background and what's 5 generating that is not -- is not going to be in this 6 kind of a format. Exhibit 7 is printed in this 7 particular format so it's easy to view the information 8 on the response side. So this is actually kept in a 9 string of information, printed only for this litigation.</p> <p>10 MR. HANTHORN: Are 5 and 7 11 contemporaneous, happening at the same time?</p> <p>12 MR. SELBY: Are you asking me?</p> <p>13 MR. HANTHORN: No. I'm -- you had given 14 it as just an either/or. And if I heard what the 15 witness was saying correctly about what's in background 16 and what's not -- it looks like 10 is later, so we got 17 it aside. And the question is are 5 and 7, based on the 18 information in them, going on at, more or less, the same 19 time.</p> <p>20 Q. (BY MR. SELBY) The information that's in 21 Exhibit 5 -- for instance, we had talked about maybe 22 there's a better way to ask this. This type 48 in 23 Exhibit 5, when would that information, as it appears in 24 Exhibit 5, have been entered?</p> <p>25 A. It's going to be -- when the system is</p>
Page 150	Page 152
<p>1 MR. SELBY: Let's take a quick break.</p> <p>2 MR. HANTHORN: Okay.</p> <p>3 (Recess from 1:33 to 1:43)</p> <p>4 Q. (BY MR. SELBY) I've got Exhibits 5, 7 and 10 5 in front of you. Is there an order in which these would 6 go as far as which -- from a chronology standpoint, 7 which comes first?</p> <p>8 A. Exhibit 5 is something within Experian's -- 9 kept within Experian's system, printed only for this 10 litigation.</p> <p>11 Q. Okay.</p> <p>12 A. Exhibit 7 was something that is also kept 13 within Experian's system, printed just for this 14 litigation. This happened -- Exhibit 7 happened prior 15 to Exhibit 10. However, all of these documents are just 16 kept within Experian's system, so there's not a --</p> <p>17 Q. Okay.</p> <p>18 A. They were retrieved at the request of counsel.</p> <p>19 Q. I understand that. Maybe a better way to ask 20 it is this: Based on the information that's in -- 21 that's entered into Exhibit 5, was that information 22 entered into Exhibit 5 prior to the information entered 23 into Exhibit 7?</p> <p>24 A. I believe we're talking on more of a system 25 level. The information in Exhibit 5 is more of a tool</p>	<p>1 receiving the response itself --</p> <p>2 Q. Okay.</p> <p>3 A. -- it's making that kind of a change. So we 4 see type 48 here and we see type 48 here. Beyond that, 5 what's happened in the background, you know, when 6 information's populated and visible on this page as 7 opposed to in that long string of information, I just 8 don't have the system knowledge to tell you how that 9 would work. I can tell you based off of these documents 10 and the reinvestigation process and what I'm able to 11 view.</p> <p>12 Q. Okay. Then on Exhibit 10 -- earlier you said 13 that 48 is code for a collection account, correct? Is 14 that what you testified to earlier about Exhibit 10?</p> <p>15 A. Account type 48?</p> <p>16 Q. Yes.</p> <p>17 A. Yes.</p> <p>18 Q. And that's the same with Exhibit 5 and 7, 19 correct, where 48 is?</p> <p>20 A. What we have in Exhibit 5 is the snapshot of 21 what the account looked like on 9/3/2010. So up here in 22 the body of it, we have factoring company and on the 23 response side, on 9/9, we have type 48. So that change 24 is all visible, even though it didn't all happen at the 25 same time.</p>

<p style="text-align: right;">Page 153</p> <p>1 Q. Okay. But type 48 there is referring to a 2 collection?</p> <p>3 A. That's the type of account it was changed to. 4 That's the information --</p> <p>5 Q. Okay. What's the difference between a 6 factoring company and a collection?</p> <p>7 A. I only have general knowledge of it. My 8 understanding would be something -- that there would be 9 two completely different types of types -- sorry, types 10 of -- I don't want to say type -- account type. I'm 11 sorry. I just don't know if one receives the debt 12 collecting for another company or whatever. My 13 understanding is just what we have here today as far as 14 the account type that's reported to Experian.</p> <p>15 Q. Okay. And the account type meaning a 16 collection account; is that correct? Is it a collection 17 account? Was Equable -- is that a collection account?</p> <p>18 A. As far as Equable, they do tell us to change 19 their factoring company account type to type 48; and 20 that's something that they told Experian on 9/9/2010.</p> <p>21 Q. And 48 being a collection type?</p> <p>22 A. The type of account, collection.</p> <p>23 Q. Okay. And that 48 also appears on Exhibit 7; 24 is that correct?</p> <p>25 A. Yes. We have the On Profile information that</p>	<p style="text-align: right;">Page 155</p> <p>1 If they change it, then they need to -- need to tell 2 Experian the changes.</p> <p>3 Q. And you don't have any reason to believe that 4 the information they provided you, the 48, about it 5 being a collection account is incorrect?</p> <p>6 A. It would be whatever they have within the 7 records about that type of account.</p> <p>8 Q. But, I mean, it's not Experian's position that 9 what they told you is wrong is what I'm asking, 48?</p> <p>10 A. It would be -- whatever they're reporting, we 11 would believe the information to be accurate.</p> <p>12 Q. And does it make a difference to Experian?</p> <p>13 A. On the reinvestigation side, this is the 14 information that I have. Beyond that, I just wouldn't 15 know.</p> <p>16 Q. But, I mean, does it make a difference to 17 Experian as to -- on the reinvestigation side, whether 18 or not it's a 48, whatever they're telling you what type 19 of account it is, does it make a difference?</p> <p>20 A. As far as the information itself, it makes a 21 difference as far as the account type. There is 22 multiple types for mortgages. There's multiple types 23 for other types of loans. So the account type is 24 specific for that particular company. So it is 25 important to have the information reported to Experian.</p>
<p style="text-align: right;">Page 154</p> <p>1 was sent to Equable. So we do see the OC, which is the 2 factoring company, and the subscriber response side of 3 48. So similar to what we see in Exhibit 5, we do have 4 the same changes happening. This is just a different 5 format. It's taking Exhibit 5 information and then 6 formulating a viewable, printable Exhibit 7.</p> <p>7 Q. Okay. And then over to Exhibit 10, 48 still 8 shows a collection account as 48?</p> <p>9 A. Right. So based off of the change that was 10 requested through the response side, we do have the 11 account type of 48 for Exhibit 10.</p> <p>12 Q. Okay. And is the account type 48 correct for 13 purposes of this account?</p> <p>14 A. That would be up to Equable to report that 15 information to Experian.</p> <p>16 Q. Why would that be up to Equable?</p> <p>17 A. To give Experian the account type for the -- 18 for the type of company that they are. That's not 19 information that Experian creates. It is reported by 20 the creditor or the data furnisher.</p> <p>21 Q. Okay. But as you sit here today, I mean, do 22 you know, is that correct? 48 being a collection, I 23 mean, is that right?</p> <p>24 A. Each time that the company gives Experian -- 25 information to Experian, we believe it to be correct.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. And up here where it's got "Type" and 2 "Factoring Company" on Exhibit 5, is that what you're -- 3 is that correct that Equable provided?</p> <p>4 A. That is the information that Equable provided 5 to Experian.</p> <p>6 Q. Okay. And as far as you know, is that correct 7 or incorrect?</p> <p>8 A. Experian would believe the information to be 9 correct and would have no other reason to believe it 10 would be incorrect. If something changes, then they 11 would need to report that information to Experian.</p> <p>12 MR. SELBY: Okay. That's it.</p> <p>13 MR. HANTHORN: Give me one second just to 14 make sure I understand something; and I'll do it at the 15 table just by turning and talking very quickly, if you 16 don't mind.</p> <p>17 MR. SELBY: Sure.</p> <p>18 (Sotto voce discussion off the record)</p> <p>19 MR. HANTHORN: One question just to 20 clarify. And I'll do it on Exhibit 5.</p> <p>21 EXAMINATION</p> <p>22 BY MR. HANTHORN:</p> <p>23 Q. Mr. Selby pointed you to the factoring company 24 type FCO. Is Exhibit 5 reflecting that Equable changed 25 the account type from factoring company to type 48?</p>

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<p>1 A. Yes. That was a requested change on the ACDV 2 itself.</p> <p>3 MR. HANTHORN: Thank you.</p> <p>4 RE-EXAMINATION</p> <p>5 BY MR. SELBY:</p> <p>6 Q. And is -- we took a break. I mean, is that 7 your answer after talking with your counsel?</p> <p>8 MR. HANTHORN: I'll go ahead and stipulate 9 that I asked her what the answer was and that we just 10 replayed it right in front of you. But, yes, it is, in 11 fact, her answer after you saw us take a break and I 12 told you we were doing it at the table.</p> <p>13 Q. (BY MR. SELBY) Okay. We went through this 14 earlier and I thought this is different now than what 15 you said.</p> <p>16 MR. HANTHORN: That's why I wanted to 17 clarify.</p> <p>18 MR. SELBY: Clarify that she was wrong 19 before?</p> <p>20 MR. HANTHORN: No. Clarify that you 21 appear to be misunderstanding.</p> <p>22 MR. SELBY: I'm just asking questions.</p> <p>23 MR. HANTHORN: Okay.</p> <p>24 Q. (BY MR. SELBY) Explain to me what is wrong in 25 looking at Exhibit 5.</p>	<p>1 A. That's correct.</p> <p>2 Q. Okay. And is the information -- where it says 3 "Response Date, 9/9/2010," below that, is all that 4 information a snapshot for September 9th, 2010?</p> <p>5 A. That's going to be everything that they 6 requested a change to, based on the ACDV response 7 itself.</p> <p>8 Q. Okay. And the change here you're saying is 9 that the factoring company -- the type change from 10 factoring company to the change to type 48, which is a 11 collection company, right?</p> <p>12 A. Yes. That's correct. They're changing the 13 account type from factoring company to 48, which is a 14 collection account.</p> <p>15 Q. Okay. And you're saying that that is -- 16 because of that change between 9/3/2010 and 9/6/2010</p> <p>17 MR. HANTHORN: 9/9. But go ahead.</p> <p>18 Q. (BY MR. SELBY) -- excuse me, 9/9/2010, that 19 change there between calling it a factoring company and 20 calling it a collection company, that was the reason 21 that the trade line information was left off on that 22 report to Mr. Collins?</p> <p>23 A. As far as the information being account type, 24 it's a very important key change which would trigger the 25 glitch where it did not populate this actual change here</p>
<p style="text-align: center;">Page 158</p> <p>1 A. I'm not sure what you mean by "what is wrong," 2 sir.</p> <p>3 Q. Okay. The factoring company, this information 4 here provided by Equable, is that correct?</p> <p>5 A. Let me make sure I understand you correctly. 6 The information that was previously reported by Equable, 7 they told us the account type was factoring company.</p> <p>8 Q. Okay. Let me stop you there. I'm sorry. When 9 you say that was previously provided by Equable, where 10 are you getting that it was previously provided?</p> <p>11 A. This is a snapshot of what the account looked 12 like --</p> <p>13 Q. Right.</p> <p>14 A. -- on 9/3/2010. So based on all this 15 information, this is what the account looked like as 16 reported by Equable.</p> <p>17 Q. Okay. So on -- if you look at Exhibit 5, on 18 9/3/2010 it says "Factoring Company," correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. And then you come down here and this 21 is -- the next snapshot is for 9/9/2010, right?</p> <p>22 A. I'm not quite sure what you mean, "the next 23 snapshot."</p> <p>24 Q. Okay. Is the factoring company information 25 based on what was a snapshot as of 9/3?</p>	<p style="text-align: center;">Page 160</p> <p>1 on the reinvestigation results. So based off of the 2 fact that it was a factoring company and going to a type 3 48 is not something that we would normally see in an 4 ACDV response.</p> <p>5 Q. But that you're saying -- your testimony is 6 that that's what triggers the fact that the 7 reinvestigation results report doesn't have the trade 8 line information?</p> <p>9 A. Let me make sure I understand you correctly. 10 As far as the system glitch that did not populate, the 11 actual change itself, yes, it was because of that type 12 change.</p> <p>13 Q. Let me make sure I understood what you said 14 earlier. I mean, you don't know -- you haven't 15 investigated or determined whether or not this has 16 happened in other instances where the trade line was not 17 populated as a result of this glitch?</p> <p>18 A. No. I've never seen it before.</p> <p>19 Q. Okay. Have you looked into it, though? I'm 20 not asking whether you have actually seen it before. 21 But have you looked into it, said, Hey, I'm a compliance 22 officer. I've learned about this glitch. I need to 23 look into to see whether this has happened to other 24 people? Have you done that?</p> <p>25 A. Anything that I've done would be at direction</p>

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1 of counsel. Beyond that, no.	1 I, TERESA IWANSKI, have read the foregoing
2 Q. Okay. You haven't done that at direction of	2 deposition and hereby affix my signature that same is
3 counsel, though?	3 true and correct, except as noted above.
4 MR. HANTHORN: She would not be the person	4
5 who would know how to investigate that. So I would not	5
6 have directed her to investigate that. She has -- as I	6 TERESA IWANSKI
7 stipulated earlier, she is aware that we have looked	7
8 into it.	8
9 Q. (BY MR. SELBY) What's the OC by Factoring	9
10 Company mean on Exhibit 5?	10
11 A. All of the account types typically would have	11
12 either a number associated or some letters. And that's	12
13 just the letters that are associated with that account	13
14 type.	14
15 Q. And those letters, the OC, also appear on	15
16 Exhibit 7, correct? It's under Collection Account.	16
17 A. I just can't see the exhibit number. I'm	17
18 sorry.	18
19 MR. HANTHORN: This is Exhibit 7.	19
20 A. Yes, it is, sir.	20
21 Q. (BY MR. SELBY) Okay. And on Exhibit 7, the OC	21
22 also appears under the column Collection Account, On	22
23 Profile?	23
24 MR. HANTHORN: Well, under the column On	24
25 Profile, yeah.	25
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1 Q. (BY MR. SELBY) Under the column On Profile,	1 STATE OF TEXAS)
2 correct?	2 COUNTY OF DALLAS)
3 A. Yes, sir.	3
4 Q. Okay. And then the 48 also appears on	4 REPORTER'S CERTIFICATION
5 Exhibit 7 as well; is that correct?	5 DEPOSITION OF EXPERIAN INFORMATION SOLUTIONS, INC.
6 MR. HANTHORN: Under the column Subscriber	6 BY AND THROUGH ITS DESIGNATED REPRESENTATIVE
7 Response.	7 TERESA IWANSKI
8 A. Yes. That was a requested change.	8 TAKEN JUNE 21, 2012
9 Q. (BY MR. SELBY) Again, that's under Subscriber	9
10 Response, right?	10 I, Christi Sanford, Certified Shorthand
11 A. Yes, sir.	11 Reporter in and for the State of Texas, hereby certify
12 Q. And the one under On Profile where it's got the	12 to the following:
13 OC, that's the same information that appears as of	13 That the witness, TERESA IWANSKI, was duly
14 9/3/2010 if you look at a snapshot, correct, the OC	14 sworn by the officer and that the transcript of the oral
15 here?	15 deposition is a true record of the testimony given by
16 A. Exhibit 5 and Exhibit 7 would be the same kind	16 the witness;
17 of information. It's just capturing it in a log format	17 That the deposition transcript was submitted on
18 and then capturing it within Experian's records. Each	18 _____ to the witness or to the
19 of these is something that's printed at the request of	19 attorney for the witness for examination, signature and
20 counsel for this -- for discovery.	20 return to the officer by _____;
21 MR. SELBY: I'm done.	21 I further certify that pursuant to FRCP
22 MR. HANTHORN: We'll reserve.	22 No. 30(f)(i), the signature of the deponent was
23 (Proceedings concluded at 2:01 p.m.)	23 requested by the deponent or a party before the
24	24 completion of the deposition and that the signature is
25	25 to be before any notary public and returned within 30

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1 days from date of receipt of the transcript. If
2 returned, the attached Changes and Signature Page
3 contains any changes and the reasons therefor;

4 I further certify that I am neither counsel
5 for, related to, nor employed by any of the parties in
6 the action in which this proceeding was taken, and
7 further that I am not financially or otherwise
8 interested in the outcome of the action.

9 Certified by me this 4th day of July, 2012.

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Christi Sanford, Texas CSR, CRR, RPR
Texas Certification No. 6720
Certificate Expires: 12/31/13

14

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Maxene Weinberg Agency
27281 Las Ramblas, Suite 160
Mission Viejo, California 92691
(800) 640-1949
(949) 582-8569 Fax
www.mwadepos.net

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